AN

HISTORICAL VIEW

OF THE

ENGLISH GOVERNMENT,

FROM THE

SETTLEMENT OF THE SAXONS IN BRITAIN

TO

THE REVOLUTION IN 1688.

To which are subjoined,

SOME DISSERTATIONS CONNECTED WITH THE HISTORY OF THE GOVERNMENT,

From the Revolution to the Present Time.

BY JOHN MILLAR ESQ.

Professor of Law in the University of Glasgow.

IN FOUR VOLUMES.

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AN

AN

HISTORICAL VIEW

OF THE

ENGLISH GOVERNMENT,

FROM THE

ACCESSION OF THE HOUSE OF STUART,

TO THE PRESENT TIME.

INTRODUCTION

FROM the acceſſion of James the Firſt, to the Engliſh throne, we may date the commencement of what, in a former part of this inquiry, I have called the Commercial Government of England. The progreſs of commerce and manufactures had now begun to change the manners and political ſtate of the inhabitants. Different arrangements of property had contributed to emancipate the people of

inferior condition, and to undermine the authority of the ſuperior ranks. A new order of things was introduced; the feudal inſtitutions natural to a rude nation, were, in great meaſure, aboliſhed and forgotten; and, upon the venerable ſtock of our ancient conſtitution, were engrafted other cuſtoms and regulations more conſiſtent with the genius and circumſtances of a civilized and opulent kingdom. The commercial improvements which about the ſame time took place in other parts of Europe, were alſo attended with great political changes. Theſe, however, were, in each country, accommodated to the peculiar ſtate of ſociety, and therefore exhibited very different combinations and modes of government. According as mankind have been more ſucceſsful in cultivating the arts of life, their political ſyſtems are likely to be more diverſified, and to afford a more intereſting picture. The attention of a rude people is confined to few objects; and the precautions which occur to them for preventing injuſtice, and for maintaining good order and tranquillity, are ſimple and uniform. By experience and obſervation, by the gradual expanſion of the human

human underſtanding, new meaſures are diſcovered for the removal of particular inconveniences: while, from the various purſuits in which men are engaged, and the wealth of different kinds which they accumulate, a variety of regulations are ſuggeſted for the ſecurity and enjoyment of their ſeveral acquiſitions. Their ſyſtems of policy are thus rendered more comprehenſive, and, to the eye of the philoſopher, preſent a richer field of inſtruction and entertainment.

The hiſtorical æra from which the preſent inquiry ſets out, is further diſtinguiſhed by an accidental event of great importance; the union of the crowns of England and of Scotland. By the acceſſion of the houſe of Stuart to the Engliſh throne, the whole iſland of Great Britain, which had long been divided into two ſeparate kingdoms, independent of each other, and frequently engaged in mutual depredations, was reduced under one ſovereign, by whoſe authority their future animoſities were effectually reſtrained, and their military force invariably directed againſt their common enemies. That this federal union was highly beneficial to both nations,

by exalting their power and conſideration among foreign ſtates, as well as by promoting their ſecurity, together with their trade and opulence at home, appears abundantly manifeſt. How far it affected their political circumſtances, and contributed to improve the form of their government, I ſhall afterwards endeavour to explain.

The whole period of Engliſh hiſtory from the acceſſion of James the Firſt to the preſent time, may be divided into two branches: the one comprehending the occurrences prior to the revolution in 1688; the other the occurrences poſterior to that great event. The former contains the riſe and progreſs of the long conteſt between the king and parliament concerning the extent of prerogative; a conteſt which, after involving the nation in a civil war, and after producing various political changes and turns of fortune, was at laſt happily terminated by a judicious and moderate correction of the ancient limited monarchy. We have here an opportunity of conſidering the condition of England and of Scotland, after the union of the two crowns; the circumſtances in the ſtate of ſociety, which encouraged

encouraged the king to claim a deſpotical power, and which, on the other hand, prompted the people to demand an extenſion of privileges; the views of the two great parties, into which the whole kingdom was naturally divided; and the ſeveral events, whether proceeding from local and temporary, or from general and permanent causes, which promoted or obſtructed the ſucceſs of either party.

In the latter branch of this period, the political horizon aſſumed a different aſpect. By the revolution in 1688, the extent of the prerogative was underſtood to be fixed in ſuch a manner as to preclude any future diſputes. The modes of arbitrary power, with which the nation had formerly been threatened or oppreſſed, were now completely reſtrained. The eminent advantages of a conſtitution, which appeared effectually to ſecure the moſt important rights of mankind, and which England enjoyed without a rival, promoted, in a wonderful degree, her commerce and manufactures, exalted her power as a maritime nation, and enabled her to plant colonies as well as to

eſtabliſh her dominion in diſtant parts of the globe.

The accumulation of wealth, ariſing, in theſe proſperous circumſtances, from a long courſe of induſtry and activity, could not fail to increaſe the expence of living to every individual, and, of conſequence, the expences incurred in the management of public affairs. Hence the neceſſity for a proportional increaſe of taxes, and augmentation of the public revenue under the diſpoſal of the ſovereign. The patronage and correſpondent influence of the crown, which were thus rendered more and more extenſive, began to excite apprehenſion, that, if permitted to advance without controul, they might undermine and ſubvert the pillars of the ancient conſtitution. Thus the two great political parties were not extinguiſhed at the revolution; though, according to the change of times and circumſtances, their object was conſiderably varied. The Whigs, who had formerly oppoſed the extenſion of the prerogative, now oppoſed the ſecret influence of the crown; and the Tories, upon a ſimilar variation of the ground, ſtill adhered to the intereſt of the monarch.

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The operation of this influence was, indeed, retarded, for ſome time, by that warm attachment to the exiled royal family which prevailed through a part of the nation. While a powerful faction in Britain ſupported the claim of a pretender to the crown, thoſe who exerciſed the executive power were laid under the neceſſity of acting with extreme circumſpection, and of keeping at a diſtance from every meaſure which might occaſion ſuſpicion or alarm. The greater diffuſion of knowledge, however, contributed, by degrees, to diſcredit and diſſolve this foreign connection, and, of courſe, to remove thoſe reſtraints which it had created; but, in the mean time, the progreſs of liberal opinions, and the growing ſpirit of independence, diſpoſed the people to examine more narrowly the corruptions of government, and to reform the abuſes of adminiſtration. In this manner the popular and monarchical parts of our conſtitution have been again ſet at variance; a ſtruggle between them has proceeded with ſome degree of animoſity; and expreſs regulations have been thought requiſite for limiting that aſcendant which the latter has gained, and is farther

likely to gain, over the former. The latter branch of our hiſtory will exhibit the conduct of political parties, in this critical ſituation, and the various events and circumſtances which have tended to prevent, or delay, an amicable concluſion of their differences.

BOOK

BOOK I.

OF THE ENGLISH GOVERNMENT, FROM THE ACCESSION OF JAMES THE FIRST, TO THE REIGN OF WILLIAM THE THIRD.

CHAPTER I.

Review of the Government of Scotland.

AS the union of the two crowns placed the adminiſtration of England and of Scotland in the ſame hands, we ſhall here turn our attention to the hiſtory of the latter country, and examine the leading features of its government. In this review, without entering into a long detail, it will be ſufficient to point out the principal circumſtances, from which we may diſcover the general analogy, and the moſt remarkable differences in the conſtitution and political ſtate of the two countries.

The armies of Rome never penetrated far into Scotland, nor did they long maintain a dominion over that part of the country which they

they had ſubdued. While the inhabitants in the ſouthern part of Britain were diſarmed, and gradually civiliſed by that mighty power, the Caledonians of the north retaining their primitive independence, and warlike diſpoſitions, were little affected by the vicinity, either of Roman arts, or of Roman manners. Thoſe high-ſpirited barbarians, therefore, when the Romans were under the neceſſity of withdrawing their forces from Britain, found no enemy capable of reſiſting them, and threatened to overrun and ſubdue the whole of the iſland. They were afterwards repulſed, however, by the Saxons, whom the Britons called to their aſſiſtance; and, after various turns of fortune, were obliged to contract the limits of their dominion within that ſouthern wall which in later times had formed the boundary of the Roman province. Even within the territories of what was called Scotland, the Saxons made frequent inroads, more eſpecially upon the eaſtern ſide of the country; where many Saxon families were enabled to form a ſettlement, and to acquire landed poſſeſſions.

Notwithſtanding the original ſimilarity obſervable

ſervable in all the governments of modern Europe, they exhibit certain ſhades of difference, from which they may be divided into two claſſes; the firſt, comprehending ſuch as were founded upon the ruins of the Roman provinces; the ſecond, ſuch as aroſe in the countries which had never been ſubject to the Roman empire. In both of theſe, what is called the feudal ſyſtem was introduced; but it was more completely and rapidly eſtabliſhed in the former than in the latter. In thoſe modern ſtates which grew up from the ruins of the weſtern empire, the inhabitants of ſo large a territory as that which compoſed an ancient Roman province, were naturally attracted to a kind of centre, and formed a political union under one ſovereign. But the authority of this monarch, over a people ſo barbarous, and ſo little accuſtomed to ſubordination, was, in proportion to the extent of his dominions, feeble and precarious: and the leſs capable he was of reſtraining animoſities and quarrels among his ſubjects, or of protecting them from oppreſſion, it became the more neceſſary that they ſhould take meaſures for defending themſelves. For this purpoſe,

purpoſe, every chief, or proprietor of a landed eſtate, was induced to maintain an intimate connection with all his kindred and retainers, and to diſtribute among them a great part of his lands, upon condition of their being ready to fight for him againſt all his enemies. It was thus that Spain, France, England, and a great part of Italy, ſoon after they had been conquered by the Gothic nations, became extenſive rude kingdoms, in which the free people were all united in ſeparate feudal dependencies, each under its own military leader and protector.

The European countries which had never been ſubjected to the Roman yoke, ſuch as Denmark, Sweden, and a great part of Germany, were in circumſtances a little different. The inhabitants, originally no leſs rude and barbarous than the conquerors of the weſtern empire, were not incorporated with any people more civilized than themſelves, nor induced by any prior union ſubſiſting, through an extenſive territory, to aſſociate in very large communities. Their different tribes, or families, accordingly, following the natural courſe of improvement, advanced very ſlowly in their

political aſſociations; and were collected in ſmall principalities, before they roſe to conſiderable kingdoms. But in proportion as the boundaries of any particular ſtate were narrow, the prince was more powerful, and his adminiſtration more vigorous; in conſequence of which, the people, depending more upon him for protection, reſorted leſs to private combinations for mutual defence. The connection between the head of a tribe and its members, between the proprietor of a landed eſtate and his retainers, between a ſuperior and his vaſſals, could not fail to ſubſiſt in all thoſe nations, after they had acquired a fixed reſidence; but this connection was leſs extended in proportion to the narrowneſs of each political community; and the ſervices, or duties, to which it gave occaſion, were leſs multiplied, and reduced into a regular ſyſtem. Afterwards, however, the feudal inſtitutions and cuſtoms were promoted in thoſe countries, from an intercourſe with ſuch neighbouring ſtates as, by ſettling in the Roman provinces, had made greater progreſs in that ſyſtem of policy.

Scotland appears to have been in a middle ſituation

ſituation between theſe different countries. A part of it had fallen within the limits of a Roman province, like the other countries in the weſt of Europe. A part of it, likewiſe, had received a number of Anglo-Saxon inhabitants, who contributed to propagate thoſe inſtitutions and cuſtoms which prevailed in England. The remainder was in the condition of thoſe European countries, where the dominion of the ancient Romans afforded the people no peculiar motive to extenſive combination, or, of conſequence, to feudal ſubordination.

In tracing the hiſtory of the Scottiſh government, there are three great periods which fall to be diſtinguiſhed. The firſt reaches from the time when Britain was abandoned by the Romans to the reign of Malcolm the Second. This comprehends the primitive ariſtocracy; and is analogous to the period of the Anglo-Saxon government in the ſouthern part of the iſland. The ſecond extends from that reign to the time when James the Sixth of Scotland mounted the Engliſh throne. This correſponds to the reigns of the Norman, Plantagenet, and Tudor princes in England,

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and exhibits the circumſtances which, from the nature of the feudal policy, contributed to exalt the power of the monarch. The third contains the interval between the union of the crowns of England and Scotland, to the union of the two kingdoms. In this laſt period, the Scottiſh nation had not made ſuch advances in commerce as could produce any great alteration in their political ſyſtem; but the adminiſtration of their government was then rendered ſubordinate to that of England, a manufacturing and commercial country.

SECTION I.

OF THE GOVERNMENT OF SCOTLAND, FROM THE TIME WHEN BRITAIN WAS ABANDONED BY THE ROMANS, TO THE REIGN OF MALCOLM THE SECOND.

DURING this early period, little is known with certainty; and we muſt be ſatisfied with a delineation, from probable conjecture, of the bare outlines and prevailing character of the

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the Scottiſh government. The appropriation of land gave riſe in Scotland, as well as in the other countries of Europe, to ſeveral diſtinctions in the condition and rank of the people. The owner of a landed eſtate obtained univerſally an authority over all thoſe perſons whom he maintained upon his property. Thoſe who acquired conſiderable eſtates were led to diſtribute a part of them among their kindred and followers, under conditions of military ſervice, and to put the remainder under the management of ſervants employed in the ſeveral branches of agriculture. The people ſubſiſting upon any eſtate came thus to be compoſed of the maſter, or proprietor, of the vaſſals who attended him in war, and of the peaſants by whoſe labour his houſehold was ſupported. As the whole kingdom comprehended a number of landed eſtates, diſpoſed and regulated in the ſame manner, and differing only in the degrees of their magnitude, the whole people, excluſive of the clergy, were divided into theſe three orders of men.

It is probable, however, that in Scotland the peaſantry, in proportion to the collective body of the nation, were leſs numerous than

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in England; and that their condition was leſs abject and ſervile. They were leſs numerous; becauſe agriculture was in a lower ſtate, and a great proportion of the country was employed merely in paſturage. Their condition was leſs abject and ſervile; becauſe, as the country had never been conquered, like the provinces of the weſtern empire, there had been no opportunity, by captivity in war, of reducing a great part of the inhabitants into a ſtate of abſolute ſlavery.

In all rude countries, thoſe who earn ſubſiſtence by their labour are apt to feel much dependence upon the perſon who employs them; and there can be no doubt that in Scotland, as well as in the neighbouring feudal kingdoms, the peaſants were conſidered as inferior in rank to the military tenants. But they appear to have been leſs diſtinguiſhed by peculiar marks of inferiority; leſs diſqualified from ſerving their maſter in war; and more capable, by their induſtry and good behaviour, of bettering their circumſtances. It ſhould ſeem, accordingly, that the diſtinction between the villains and the military tenants was earlier aboliſhed in Scotland than in England. In the latter country, the

copy-holders, the remains of the ancient villains, are ſtill conſidered as inferiour in rank to the *free-holders*, or military tenants; and are not, even at this day, admitted to a full participation of the ſame political rights: whereas in Scotland, no ſuch claſs of men as the *copy-holders* have any exiſtence; nor in the preſent laws and cuſtoms of that country are any veſtiges of the primeval villanage to be found.

As the ſtate of property in Scotland was very ſimilar to that which took place in the other countries of modern Europe, the form of government reſulting from it was in all probability nearly the ſame. The proprietor of every landed eſtate was the natural governour of the diſtrict which it comprehended. He was the military leader, and the civil magiſtrate, of all the people who lived upon it. Theſe proprietors, originally independent of each other, were led by degrees into a confederacy, or political union, more or leſs extenſive according to circumſtances.

In England the proprietors in the ſame neighbourhood were united in a town or village, commonly called a *tything*. Ten of theſe villages are ſaid to have been aſſociated in forming

ing an *hundred* or *centenary*; and an arbitrary number of theſe hundreds formed a *ſhire* or *county*. Theſe diſtricts were ſubordinate one to another: and in each of them there was appointed a military leader; by whom, with concurrence of the ſeveral free proprietors, all its political concerns were tranſacted. The proprietors of the different ſhires were united under a king, their great military leader; by whom they were occaſionally called to deliberate, in the laſt reſort, upon the legiſlative, executive, or judicial buſineſs of the nation.

It is highly probable that this political arrangement, ſo natural and ſimple, took place in Scotland, as well as in England, and in other kingdoms upon the neighbouring continent; though, from the deficiency and imperfection of the Scottiſh records, a complete proof of it can hardly be adduced. The name of *tything* is ſcarcely to be found in the ancient monuments or hiſtories of Scotland; but there are clear veſtiges of the moſt important regulations connected with that inſtitution. A tything in England, as well as upon the continent of Europe, was in reality a town or village divided into ten parts; and in the towns or villages of

Scotland, as I had occaſion to obſerve in a former part of this inquiry, the whole of the inhabitants were liable to make a pecuniary compenſation for the crimes committed by any individual. This affords a diſtinct evidence of the intimate union ſubſiſting among the members of thoſe little ſocieties, which were the baſis of the more extenſive combinations.

The inſtitution of *hundreds* can ſcarcely be traced in Scotland; but the diviſion of the whole kingdom into ſhires, or counties, each under its own governour, the alderman or earl, and afterwards his deputy the sheriff, ſeems to be fully aſcertained; nor can there be any reaſon to doubt, that the political buſineſs of the nation was ultimately determined by a great council, correſponding to the Wittenagemote in England. This council was in all probability compoſed of the free or allodial proprietors of land; was called by the king in any important emergency; and exerciſed an authority which pervaded all the different branches of government.

The ariſtocratical nature of this conſtitution, which placed the ſupreme power in the independent proprietors of land, is abundantly manifeſt.

manifeſt. It is probable that, in the courſe of time, it became gradually more ariſtocratical than it had originally been. Upon the firſt appropriation of land, it is natural to ſuppoſe that the occupiers were numerous, and the eſtates of individuals proportionably moderate. But in the turbulent and disorderly ſtate of the country, men of ſmall property were unable to defend their poſſeſſions; and therefore found it neceſſary to reſign their eſtates into the hands of ſome powerful neighbour, and to hold them for the future as his vaſſals upon conditions of military service. In this manner the number of independent proprietors was gradually diminiſhed; the foundation of political influence was more and more contracted; and the right of ſitting in the national aſſembly was at length limited to a few individuals who had accumulated great eſtates.

SECTION II.

OF THE GOVERNMENT OF SCOTLAND, FROM THE REIGN OF MALCOLM THE SECOND, TO THE UNION OF ITS CROWN WITH THAT OF ENGLAND.

THE ſame darkneſs which involves the firſt period of the Scottiſh hiſtory, and which renders it, in great meaſure, a field of mere conjecture, hangs over a conſiderable part of the second. The commencement of the second period, however, is distinguiſhed, according to the teſtimony of all the hiſtorians, by the reduction of the great lords, the remaining allodial proprietors of land, into a ſtate of feudal dependence upon the king; an event ſimilar to that which took place in England at the Norman Conqueſt; and in France, during the reign of Hugh Capet and his immediate ſucceſſors. This fact is confirmed by a collection of antient laws, aſcribed to king Malcolm the Second, in which it ſeems to be ſtated, though in vague and general terms, that this monarch,

monarch; by a courſe of tranſactions with his ſubjects, became the feudal ſuperior of all the lands in the kingdom.

As the account there given is contrary to the opinion of many Britiſh antiquaries concerning the origin of the feudal ſyſtem, they have generally diſputed the authenticity, or at leaſt the date of that antient record. We muſt acknowledge, that the information which it contains, with reſpect to an event of ſuch importance, is very lame and unſatisfactory; and that, in many other particulars, it ſeems to be replete with blunders and inaccuracies. A conjecture has thence been ſuggeſted, which is highly probable, that the compilation in queſtion was not made by public authority, in the reign to which it refers; but has been the work of a private individual, in a later age: and contains the ideas of the writer concerning the regulations introduced in the reign of Malcolm the Second. In this view, with all its inaccuracies and defects, it appears entitled to ſome regard. It may be conſidered in the light of a very antient and univerſal tradition, and, when ſupported by the general teſtimony of hiſtorians, may be held of ſufficient weight to counterbalance any ſlender

evidence which can, at this day, be thrown into the oppoſite ſcale.

Concerning the introduction of the feudal tenures into Scotland, there occur two particulars which merit attention. In the firſt place, it is the uniform doctrine of the antient lawyers and antiquaries who have written upon the ſubject, that the feudal ſyſtem in Europe aroſe from the immediate act of the king, who, upon ſubduing any country, laid hold of the land, and reſerving

Lord Hales, an author whoſe acute reſearches concerning antient facts, and whoſe extreme caution in advancing any conjecture with reſpect to their cauſes, are equally conſpicuous, aſſerts that the collection of old laws aſcribed to Malcolm the Second, is a plain and palpable forgery. In proof of this aſſertion he ſeems to depend chiefly upon two arguments. 1. The improbability of the fact ſtated in the collection, viz. That the king gave away the whole land in Scotland to his men. "Dedit, et distribuit totam terram de Scotia "hominibus ſuis, et nihil sibi retinuit in proprietate, niſi "regiam dignitatem, et montem Placiti in villa de Scona." But it ſeems evident that the expreſſion here made uſe of, is not meant to be literally underſtood. The *royal dignity* cannot be conſidered as a piece of land; and yet it is ſaid, that the king gave *the whole land, except the royal dignity.* By the *royal dignity* ſeems in this paſſage to be meant thoſe *royal demeſnes* by which the dignity of the crown was ſupported; and probably the lands diſtributed to his ſubjects, under

reſerving ſo much of it as he found requiſite for his own ſubſiſtence, diſtributed the remainder among his great officers, to be enjoyed by them upon condition of military ſervice. A part of what had thus been beſtowed upon theſe leading perſons, was by them diſtributed, upon ſimilar terms, among their dependants; ſo that, from one great ſtock, different orders of vaſſals, in ſubordination one to another, ſprung up in various ramifications. To this account, when applied

under the conditions of feudal tenure, were theſe only which they had previouſly reſigned to the king for that purpoſe, or which had fallen to him by forfeiture. The *moot hill of Scone*, the place where the national council held its meetings, is mentioned as diſtinct from the ordinary demeſnes of the crown. 2. The other arguments againſt the authenticity of this antient record is taken from the *fees* or *ſalaries* mentioned as given to certain officers. These the author thinks are in certain caſes immoderately high; in others, inconſiſtent with the reſpective ranks of thoſe officers. But before any argument from topicks of this kind can have much weight, it will be neceſſary to ſhow diſtinctly the rate of money uſed in Scotland, both during the reign of Malcolm the Second, and of Malcolm the Third, which this learned author appears unable to do. In addition to this remark, it may be proper to ſubjoin a note, which lord Hales has the candour to inſert at the end of his diſſertation, and by which it ſhould ſeem, that his labours upon that ſubject are

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applied to the hiſtory of Scotland, it occurs as an inſuperable objection, that no ſuch conſiderable conqueſt ever took place in the country, as could enable the ſovereign to ſeize and diſtribute the lands in the manner ſuppoſed. There ſeems, therefore, to be a neceſſity for admitting, that, in Scotland at leaſt, the feudal ſyſtem was propagated in a different courſe; that it began by the occupiers of land bestowing fiefs upon their

in ſome degree superſeded. "A friend of mine," ſays he, "diſtinguiſhed in the literary world, obſerves, that the "*Leges Malcolmi* are the compoſition of ſome private man "who meant to deſcribe the great outlines of the laws and "cuſtoms of his country, which he ſuppoſed, or had been "told by tradition, were firſt introduced by ſome ancient "and famous king of the name of Malcolm, either Malcolm "Mackenneth, or Malcolm Canmore; the former juſt as "probably as the latter. It does not appear that the author "himſelf ever meant that they ſhould paſs for the original "ſtatutes of that king. The whole book is a narrative or "hiſtory of the regulations which he ſuppoſed had been "made in times that were ancient in compariſon of his own. "The ſtyle is every where not ſtatutary, but hiſtorical. He "called them the *Laws of King Malcolm;* becauſe he ſuppoſed they had originally been inſtituted by ſome king of that "name. The ſuppoſition of their being the ſtatutes of any "king is a blunder, and a very groſs one, of later writers, for "which the author is not anſwerable." [See Lord Hales' Diſſertation on the LL. Malcolmi.]

their kindred and followers; that it was extended by the poorer allodial proprietors purchaſing the protection, and becoming the vaſſals of the more opulent; and that it was at length completed by these opulent proprietors falling, in consequence of the numerous quarrels and difficulties in which they were involved, under the immediate vaſſalage of the crown.

The other circumſtance to which I alluded is, that the paſſage, in this old collection of laws concerning the introduction of the feudal tenures, mentions the vaſſals of the crown only. We are told that, in the reign of king Malcolm, the great lords became the vaſſals of the crown; but we have no information as to the period when the inferior military people became the vaſſals of the great lords. It is natural to conclude, therefore, that the feudal ſubordination of the inferior people had immemorially exiſted in the country: for otherwiſe, had it either immediately preceded or followed the infeudation of the great lords, it would probably have been mentioned in ſtating that event, with which it was ſo evidently connected.

It is the opinion of Sir Henry Spelman, and has been followed by ſeveral reſpectable authors, that

that the collection of laws above-mentioned is, by a miſtake of the publiſher, aſcribed to the reign of Malcolm the Second, and belongs in reality to that of Malcolm the Third, about fifty years poſterior to the former. According to this conjecture, the feudal ſyſtem was completed in Scotland about the time of the Norman Conqueſt, that is about the same time as in England; whereas, by the common account, that event was produced about fifty years earlier. The completion of the feudal ſtructure, by exalting a king to be the feudal ſuperior of all the lands in his dominions, was, in all the countries in Europe, a regular ſtep in the progreſs of ſociety and government; and that the Scottiſh nation had become ripe for ſo great a political change, at an earlier period than the Engliſh, is what we ſhould not naturally have ſuppoſed. But we ſeem ſcarcely entitled, from conjecture alone with reſpect to a fact of this nature, to ſet aſide the evidence of tradition; more eſpecially when it is conſidered, that accidental circumſtances frequently concur, in particular countries, to retard or accelerate the operation of general cauſes.

Malcolm the Second, though the lineal heir

of

of the crown, was obliged to enforce his right by the ſword. He was afterwards engaged in fierce and bloody wars with the Danes, at that time maſters of England; and, after various ſucceſs, was at length ſo fortunate as to drive thoſe formidable invaders out of the kingdom. It is not improbable, therefore, that the loſſes ſuſtained by the nobility, in this long and obſtinate conteſt, had conſiderably weakened their power, while the continued military operations in which the people were engaged, together with the ſplendid victories and complete triumph of the monarch, in a quarrel ſo national and popular, had, on the other hand, increaſed the influence of the crown, ſo as to produce, in the chief proprietors of land, a diſpoſition to purchaſe the king's protection by ſubmitting to his feudal authority.

At any rate the alteration contended for does not ſeem very material. To thoſe who imagine that the feudal tenures were introduced into Scotland merely from an imitation of the practice in England, it muſt appear neceſſary to overthrow every monument, or account, which tends to ſhew their complete eſtabliſhment in the former country at an earlier period than

in the latter. But if we ſuppoſe, what is now generally admitted, that thoſe inſtitutions, both in the ſouthern and northern parts of Britain, were derived from the general ſtate of ſociety and manners, though afterwards, perhaps, promoted and modified by imitation, the preciſe date of their introduction will ſeem of little moment; and their occurring half a century ſooner or later will make no conſiderable difference in the political hiſtory of the country.

It is of importance, however, to obſerve, that even after the ſovereign had thus reduced the great lords of the kingdom into a ſtate of military ſubordination, his authority was not thence greatly augmented. Although, when expoſed to imminent danger, and eager to take vengeance upon their enemies, the barons had ſheltered themſelves under the protection of the crown, and promiſed to ſupport its authority; yet no ſooner were they relieved from their difficulties, than they naturally forgot their promiſes, and reſumed that independent ſpirit which was habitual to them. The feudal ſuperiority of the king came, therefore, in many reſpects, to be more nominal than real; and he often

often found it extremely difficult, if not impoſſible, to enforce that ſubmiſſion and obedience which the tenure of a military vaſſal required. The aſſiſtance and protection which he afforded his vaſſals were underſtood, in all caſes, to be fully compenſated by the regular ſervices, and by the incidental emoluments which he drew from them, and the reluctance with which they often performed their ordinary duties, left no room to expect that they would acquieſce in any additional demands. They had not only the right of enjoying their eſtates during their own life, but that of tranſmitting them to their heirs; and it was not more their intereſt to obtain the favour of their ſuperiour, than it was his intereſt to ſecure their fidelity and attachment. They were ſervants, in a word, who punctually obeyed their maſter when his orders were ſuited to their own inclinations; but who frequently acquired an extraordinary premium, or inducement, if he wiſhed they ſhould ſerve him with ſpirit and alacrity.

From the ſlighteſt attention to the political hiſtory of England and of Scotland, it will appear that the progreſs of the regal power was much more ſlow and gradual in the latter country than

than in the former, and that the primitive ariſtocracy gained a more abſolute and laſting aſcendant. For the ſlow advancement of monarchy in Scotland, ſo far as it has not proceeded from accidental occurrences, two great cauſes may be aſſigned.

1. The nature of the country, rugged, mountainous, and in many parts hardly acceſſible, produced a number of ſeparate diſtricts, in which particular barons were enabled to eſtabliſh and maintain an independent authority. Within thoſe natural barriers which divided one territory from another, a great lord eaſily reduced all the ſmall proprietors into ſubjection: and, at the ſame time, reſiding in the midſt of his retainers and followers, was in a good meaſure ſecured from any foreign invaſion. Landed property was thus quickly accumulated by a few great nobles, whoſe power over their inferiours, and whoſe influence in the government, became proportionably extenſive. While they lived at home in ruſtick ſtate and magnificence, they had little temptation to court the favour of the crown, and ſtill leſs to purchaſe it by a ſurrender of their privileges; nor did the ſovereign often find it adviſeable, however they might incur

incur his diſpleaſure, to run the hazard of marching againſt them in their faſtneſſes, and of endeavouring by force to ſubdue them. In this ſituation they continued for many centuries to ſuffer little degradation, either from the immediate power of the moſt warlike, or from the ſecret intrigues of the moſt artful and politic princes.

2. The other cauſe which operated in retarding the advancement of the crown, though, perhaps, it may be conſidered as partly ariſing from the former, was the ſlow progreſs of arts and manufactures. From the ſtate of ſociety in moſt of the countries of modern Europe, the king had uſually an intereſt in protecting the peaſantry, as well as the trading part of the nation, and in promoting the extenſion of their privileges; for in that manner he infallibly weakened their dependence upon their immediate ſuperiors, and of conſequence undermined the power of his rivals, the nobility. It was to be expected, alſo, that when the inferiour orders of the community had, by the encouragement given to their induſtry, been emancipated from their primitive bondage, and had attained a degree of opulence and conſidera-

tion, they would naturally be prompted to a return of good offices, and induced, by motives of intereſt, as well as by habitual attachment, to ſupport the dignity of the crown, and to throw their whole weight in oppoſition to the ariſtocracy.

But in Scotland the barrenneſs of the ſoil and coldneſs of the climate obſtructed the progreſs of agriculture, and of courſe chilled the growth of manufactures. The neceſſaries of life muſt be had in plenty, before there can be a general demand for its conveniencies. Accordingly, though villages and towns employed in ſome branches of traffick, aroſe in different parts of the country, and though theſe, in conformity to the practice of other European kingdoms, were incorporated by the king, and endowed with various excluſive privileges, yet, in ſpite of every encouragement, they continued poor and deſpicable, and were for a long time unable, as political auxiliaries of the crown, to perform any important ſervice.

The Scottiſh parliament from the time of Malcolm the Second, like that of England from the Norman Conqueſt, appears to have been compoſed of all the immediate vaſſals of the

crown;

crown; and theſe were divided into two eſtates, the one comprehending the eccleſiaſtical, the other the lay-barons; each of which claimed, at leaſt on ſome occaſions, a ſeparate voice in the aſſembly. But after the creation of royal boroughs the king was induced, from ſimilar circumſtances in the northern as in the ſouthern part of the iſland, to require that theſe corporations ſhould ſend deputies for making a general bargain with regard to the taxes or duties demanded from them; and hence thoſe deputies, whoſe conſent was requiſite for procuring a part of the national ſupplies, were by degrees admitted into the national council.

Concerning the time when this change in the government was effected, as it proceeded apparently from no public regulation, but merely from the private interpoſitions of the ſovereign, we have no deciſive information. It ſeems to be admitted, that the repreſentatives of the boroughs were introduced into the national aſſembly as early as the reign of Robert the Firſt; though ſome authors, with no ſmall degree of probability, have placed this event at an earlier period. But as the number of theſe repreſentatives was, for a long time, inconſiderable, and as they

took little ſhare in the public tranſactions, their political exiſtence appears to have been in a great meaſure overlooked.

It is remarkable, however, that notwithſtanding the inſignificance of the Scottiſh boroughs, they formed, at an early period, a peculiar court, compoſed of their own deputies, to which nothing ſimilar occurs in the ſouthern part of the iſland. Four of thoſe communities, probably the moſt opulent and flouriſhing; namely, Edinburgh, Stirling, Berwick, and Roxburgh, were accuſtomed, by their delegates, to hold meetings for the purposes of reviewing the judicial ſentences paſſed by the magiſtrates of particular boroughs, and of deliberating upon the concerns of the whole order. A meeting of this kind received the appellation of the *Parliament of Boroughs*. When Berwick and Roxburgh had fallen into the hands of the Engliſh, Linlithgow and Lanark were ſubſtituted in their place; and we find that, afterwards, all the royal boroughs, to the ſouthward of the Spey, were invited to ſend repreſentatives to this commercial council*.

Of

* See the treatiſe intitled *curia quatuor burgorum*, in the collection of old laws publiſhed by Skene. At what time the

Of the circumſtances which gave riſe to this inſtitution, or the period of its commencement, no account is given by hiſtorians. It was natural that the manufacturing and mercantile people, like the clergy, or any other claſs of men diſtinguiſhed by their peculiar ſituation from the reſt of the community, ſhould hold conſultations for promoting their common intereſt; but it is difficult to conceive that the towns in Scotland were, at a very remote period, poſſeſſed of ſuch weight as could enable them, by their joint meetings, to aſſume any conſiderable juriſdiction or privileges. As the ancient parliament of boroughs was called and held by the king's chamberlain, the officer employed in ſuperintending the royal revenue drawn from that claſs of the people; it is probable that the authority

 acquired

the meeting, called the *Parliament of boroughs*, was firſt introduced, it ſeems impoſſible to aſcertain. That part of the collection above mentioned, intitled *conſuetudines burgorum*, and ſuppoſed by Skene to have been eſtabliſhed in the reign of David the Firſt, is conjectured to have ariſen from the interpoſitions of this ancient court. The act of the legiſlature ſubſtituting the boroughs of Lanark and Linlithgow to thoſe of Berwick and Roxburgh, which had fallen into the hands of the Engliſh, was paſſed in the year 1368, in the reign of David the Second.

acquired by this meeting had proceeded from the policy of the ſovereign; and that it was calculated to anſwer the ſame purpoſe which he had afterwards in view, by introducing the burgeſſes into the national aſſembly. By ſubjecting the deciſions and deliberations of the inhabitants of the towns to a repreſentative court of their own order, he ſecured a degree of uniformity in their meaſures; was enabled, with greater facility, to overrule their determinations, more eſpecially with regard to the contributions and duties which he levied from them; and taught them, by the habit of acting in their collective capacity, to diſcern their common intereſt in oppoſing the nobles, by whom they were frequently oppreſſed, and in ſupporting the king, by whom they were uſually protected.

From the original parliament of boroughs, augmented and modified by the attendance of the delegates from other boroughs throughout the kingdom, was at laſt ſuggeſted the idea of a general meeting, compoſed of repreſentatives from all the towns under the immediate patronage of the crown, and inveſted with powers to regulate the concerns of all

thoſe

thoſe trading ſocieties. Such was the *convention of the royal boroughs*, authoriſed by an act of the legiſlature in the reign of James the Third, and confirmed by another ſtatute in the reign of James the Sixth. The records of its annual meetings have been preſerved from the year 1552; though its conſtitution and forms of procedure have been ſomewhat varied by ſubſequent regulations.

From the ſpirit and facility with which the individuals who compoſe the trading part of a nation are apt to unite in maintaining and extending their privileges, it might be expected that this early inſtitution would have beſtowed upon them an extenſive influence in the government. But while Scotland remained an independent kingdom, the low ſtate of her commerce prevented any combination whatever from raiſing her merchants to political importance; and in the preſent century, ſince, by her union with England, and by our own exertions, her circumſtances in this reſpect have been greatly improved, her opulent mercantile towns no longer think it an object to aſſociate with thoſe inconſiderable corporations which chiefly compoſe the con-

vention of royal boroughs; but rather endeavour, by a voluntary aſſociation with the larger commercial ſocieties of Great Britain, and by the formation of numerous committees, or *chambers of commerce*, to inforce their demands, and advance their common intereſts.

In the Engliſh parliament the knights of the ſhires were introduced about the ſame time with the burgeſſes; but in Scotland the greater poverty of the lower claſſes of the gentry prevented them from aſpiring to political importance, and therefore obſtructed a ſimilar improvement. It has been mentioned in a former part of this treatiſe, that James the Firſt, about an hundred years after the time of Robert Bruce, having been long detained a priſoner in England, was diſpoſed to imitate the inſtitutions of a country more advanced in regular government than his own: and finding, upon his return home, that many vaſſals of the crown, from a variety of circumſtances which had contributed to diſmember their eſtates, were averſe from the expence of attending in parliament; and at the ſame time obſerving that theſe men of

narrow

narrow fortunes, and of inferior rank, were commonly, from their jealouſy of the greater barons, inclined to ſupport the prerogative, he endeavoured, firſt of all, by an act of the legiſlature, to enforce their attendance. As this injunction, however, was diſregarded, he ſoon after procured another ſtatute, excuſing the ſmall vaſſals from that duty, but requiring that, in the ſame manner as in England, they ſhould ſend repreſentatives. The ſmall vaſſals of the crown in Scotland, probably leſs able to bear the expence than the people of the ſame deſcription in England, laid hold of the diſpenſation, but neglected to fulfil the conditions; ſo that before the reign of James the Sixth, that is, a full century after this period, the attendance of the knights of ſhires had not been made effectual.

Thus, during a period of two centuries at leaſt, the national council in Scotland was compoſed of the barons who ſat in their own right, of the dignified clergy, and of a ſmall number of burgeſſes. In the forms of its procedure it was further diſtinguiſhed from the correſpondent council in England by two remarkable peculiarities.

1. The

1. The Scottiſh parliament was never divided, like that of England, into two houſes. In the parliament of England, the knights of ſhires, and the burgeſſes, were, each of them, a numerous body, not eaſily accommodated in one apartment, and deriving ſuitable conſideration and importance from that large proportion of the community which they repreſented. United, however, by their common character of repreſentatives, they, inſtead of claiming diſtinct ſuffrages in the aſſembly, were led naturally to act in concert with each other; and, for the convenience of their joint deliberations, were collected in a ſeparate place from the other members. But in the parliament of Scotland there were no knights of ſhires, and the few burgeſſes, the only other ſpecies of repreſentatives, were too inconſiderable to claim ſuch marks of diſtinction; and their pretenſion to ſit and vote in a ſeparate houſe would have been held ridiculous. Thrown into the common maſs, they rather found it comfortable to eſcape obſervation, and to cover their inſignificance; ſerving only, like the rubbiſh of a building, to fill a corner unoccupied with more ſolid materials.

This union of all the different members of parliament in one houſe had a viſible effect upon the government. Though that aſſembly conſiſted of three different eſtates, or orders, who had each a ſeparate intereſt, yet, in their promiſcuous deliberations, it was to be expected that the influence of the nobility would greatly predominate. The eccleſiaſtical and mercantile orders became unavoidably ſubordinate to that more powerful body; and their measures were deeply tainted with the prevailing leaven of ariſtocracy. The delegates of the boroughs were more especially affected by this mode of deliberation. It was in vain to expect that a ſet of tradeſmen, but lately emerged from a ſervile condition, would lay aſide their native habits, and ſpeak or act with firmneſs and intrepidity. Voting under the immediate eye of the great barons, men whom they had been accuſtomed to treat with reſpect and reverence, or whom they ſtill wiſhed to ſerve in the exerciſe of their profeſſions, they were not likely to ſtand forward in maintaining their own opinions, or in purſuing any line of conduct that might expoſe them to the reſentment or diſpleaſure of thoſe eminent perſonages. To

concur

concur in ſilence with whatever ſhould be propoſed by their ſuperiors, or to avoid thoſe meetings which threatened a violent conteſt, was more agreeable to their circumſtances, and to fall in with every prevailing party became naturally their temporizing ſyſtem of policy. The introduction of thoſe delegates into the legiſlature was therefore an event of little importance, and, for a long time, unproductive of any interference upon the part of the *commons*, either for exalting the prerogative, or eſtabliſhing the rights of the people.

2. Another peculiarity in the procedure of the Scottiſh parliament conſiſted in the appointment of a committee, under the name of the *Lords of the Articles*, for the purpoſe of preparing and digeſting the bills to be laid before that aſſembly. This inſtitution appears to have ariſen from the ſmall number of members who ſat in the national council, and their impatience under the delays of buſineſs, the conſequence of their inexperience, which made it commonly difficult to procure a decently full meeting during the time requiſite for the regular diſcuſſion of public affairs. To relieve themſelves from a tedious and diſagreeable attendance,

tendance, they devolved upon a few of their members the burden of putting the buſineſs into ſuch a form, that nothing more than the mere aſſent or diſſent of the meeting ſhould be requiſite; and that thus, in a day or two at the moſt, its deliberations might be completely ended.

This practice, which can be traced no higher than to the reign of David the Second *, and which did not acquire a regular eſtabliſhment for ſome time after †, was indirectly favourable to the prerogative; and therefore was, no doubt, ſecretly promoted by the ſovereign, though the lords of the articles appear to have been originally nominated by parliament itſelf ‡, the nomination was likely, in moſt caſes, to fall upon thoſe members, who, by their experience in such matters, and by reſiding about court, were the beſt qualified for executing the buſineſs. Such perſons, however, were the uſual miniſters of the crown, and moſt commonly devoted to its intereſt; ſo that, by their means, the king was frequently

* See Annals of Scotland by Sir David Dalrymple.

† See Wight's Inquiry into the Riſe of Parliament.

‡ Wight's Inquiry. *Ibid.*

frequently enabled to keep out of view all thoſe topics of diſcuſſion which he wiſhed to avoid, and to ſeize a convenient opportunity for introducing thoſe meaſures which he was eager to carry. It appears, indeed, that the lords of the articles had not an abſolute negative upon the deliberations of parliament, but that the members of that aſſembly were at liberty, of their own proper motion, to ſuggeſt whatever ſubjects they might think proper. But ſuch a mode of proceeding was a deviation from the uſual courſe of buſineſs, uniformly diſcouraged and reprobated by the king and his miniſters, and was not likely to be often propoſed, or inſiſted on, by a ſet of rude barons, more diſtinguiſhed for valour in the field, than for addreſs and penetration in the ſenate.

Notwithſtanding this expedient, however, which beſtowed upon the ſovereign such a manifeſt advantage in managing the deliberations of parliament, the ſuper-eminent power of the nobility is every where diſcernable in the proceedings of that aſſembly, and in all the departments of government.

It was the practice in England, as I had formerly

merly occaſion to obſerve, that an act of parliament ſhould proceed upon a petition from the two houſes to the ſovereign, requeſting that ſome grievance might be redreſſed, or ſome branch of the public adminiſtration altered. This humble and reſpectful mode of proceeding never had place in Scotland, where we ſee the national council holding a very different language. They aſſume a dictatorial tone; avow the enactment of laws by their own authority; and even frequently ordain, without ceremony, that the king ſhall carry their meaſures into execution.

Thus, in a ſtatute made in the reign of James the Firſt, it is ſaid, "the parliament has "determined and ordained, that our lord the "king ſhall *gar* (cauſe to) mend his money, "and *gar* ſtrike it in like weight and fineneſs "to the money of England *."

In another ſtatute, the *parliament ordains*, that the king ſhall command the judges to diſtribute juſtice impartially between the poor and the rich, and that he ſhall rigorouſly puniſh thoſe who do otherwiſe †.

In

* Parl. 1. ch. 25. *Black Acts.*

† *Ibid.* ch. 49.

In the reign of James the Second, *the three eſtates order*, that courts ſhall be held at certain ſeaſons throughout the kingdom; and that the *king himſelf* ſhall be in each town when the court is held, or near it, where his council thinks fit.—The *three eſtates have* alſo *concluded*, that the king ſhall ride through the realm when information is received that rebellion, ſlaughter, or other atrocious crimes, have been committed, and ſhall cauſe immediate cognizance thereof to be taken *.

In the reign of James the Third, the *lords*, underſtanding that there has been great *ſloth* in the execution of the laws relative to bringing in and keeping the bullion, ſo as to occaſion great ſcarcity thereof, they require, that the king ſhall put the ſtatutes on that ſubject *ſharply* in execution, and ſhall appoint true and able *ſearchers* for the time to come †.

The ſtyle of the legiſlature was gradually ſoftened and varied in later times; but the cuſtom of paſſing ſtatutes in the name of the three eſtates of parliament is continued occaſionally

* Ja. II. ch. 5. and ch. 6. *Black Acts.*

† Ja. III. ch. 80.

ſionally through the reigns of James the Third, of James the Fourth, and of James the Fifth *.

The courſe of parliamentary buſineſs in England, by which every bill paſſed through both houſes in the form of a petition to the ſovereign, produced, of neceſſity, a negative in the crown; for a petition would have no force unleſs when granted by the perſon to whom it was addreſſed. But in Scotland, where ſtatutes were enacted by the general authority of parliament, there was no foundation for this controuling power of the monarch. As parliament in that country was not divided into two houſes, the king does not appear to have conſtituted a ſeparate branch of the legiſlature. He ſeems to have been originally regarded as the preſident of that aſſembly, and his voice to have been included in its general determinations. In the early hiſtory of the Scottiſh parliament, we meet with no traces of the interpoſition of the royal negative upon bills; the ſtyle and tenure of thoſe tranſactions is, at the ſame time, utterly repugnant to any ſuch idea; and there occur

* See inſtances of this, Ja. III. ch. 130. ch. 131. ch. 132. Ja. IV. ch. 37. ch. 82. Ja. V. ch. 4. ch. 102.

inſtances of ſtatutes which are known to have been enacted in direct oppoſition to the will of the crown. The religious reformation which took place in the reign of Mary, derived its authority from an act of the legiſlature, to which the aſſent of the queen, or of her huſband, the king of France, was never obtained, but which does not appear, either at that time or afterwards, to have been conſidered, on that account, as defective *.

The Scottiſh houſe of parliament had thus the uncontrouled power of legiſlation. It exerciſed alſo the excluſive privilege of impoſing taxes, together with that of directing their application to the particular purpoſe, and of ſuperintending the expenditure of the money. It was accuſtomed to determine peace and war; to regulate the forces; to appoint governors of the fortreſſes in the kingdom; and to make proviſions for arming the people, and for training them up to the uſe of arms †.

In

* See the political publications about the time of the Union.

† See particularly a diſcourſe on the Union of Scotland and England, publiſhed 1702; alſo an hiſtorical account

In moſt of the European governments the national council was held regularly at particu-

 lar

of the ancient rights of the parliament of Scotland, publiſhed 1703.

In the parliament held 1481, during the reign of Ja. III. the three eſtates, conſidering the deſign of the *riefar*, (robber) Edward, to invade Scotland, *of their own free will*, grant and promiſe to remain in defence of the king's perſon and realm, according to the practice of their anceſtors. And they appoint a certain number of armed men to be employed at their expence, as a garriſon in the town of Berwick, and as guards in different parts of the borders. It is alſo ordained in the ſame act, that an ambaſſador ſhall be ſent to ſolicit aid from the king of France. Ja. III. ch. 100. *Black Acts*.

In the ſtatutes of William, the people are required, according to their wealth, to provide themſelves with arms of a certain deſcription, and to appear with theſe at the ſtated times of rendezvous. See Stat. Will. regis. c. 23. *Black Acts*.

That parliament took upon itſelf the care of cauſing the people to be provided with arms, and to be inſtructed in the uſe of them, appears from a multiplicity of ſtatutes. See Statutes, Ja. I. ch. 20. ch. 48. ch. 67. Ja. II. ch. 71. Ja. III. ch. 106. Ja. IV. ch. 53. Ja. V. ch. 61. *Black Acts*.

By act of parliament, in the reign of James the Fourth, orders are given for renewing the alliance of Scotland with France, with Spain, and with Denmark; and for ſending, on that account, an embaſſy to Denmark. See Ja. IV. ch. 22. ch. 23. *Black Acts*.

Even

lar ſeaſons. It came afterwards to meet more frequently, according to the increaſe of its buſineſs; and the power of calling, or of diſmiſſing their occaſional meetings, which were at length ſubſtituted altogether in place of the former, was generally aſſumed by the king. In England this power was uniformly exerciſed by the crown; and the legiſlature interfered no farther in that matter than by ordaining that the king ſhould call meetings of parliament once a year, or oftener if the buſineſs of the nation ſhould require it. But in Scotland this branch of the prerogative ſeems to have been treated with little ceremony; and we find the parliament, by its own authority, putting an end to its meetings, and appointing

Even the naval force of Scotland, however inconſiderable, ſeems to have fallen under the immediate regulation of parliament. See act Ja. I. ch. 140. *Black Acts.*

By an act in the reign of James IV. the parliament appoints a governor to the caſtle of Edinburgh, and orders the caſtle of Dunbar to be demoliſhed. By another act, in the reign of James VI. the order for the demolition of the caſtle of Dunbar is repeated, with an additional injunction for demoliſhing the caſtle of Inch-kieth, ch. 25. *Black Acts.*

By an act, James VI. parl. 9. ch. 8. money is aſſigned for keeping the caſtles of Edinburgh, Dumbarton, Stirling, and Blackneſs, not to be applied to any other purpoſes.

ing others to be held at particular times and places, either for the determination of particular points, or for the diſcuſſion of its ordinary buſineſs*.

Even the domeſtic arrangements of the royal family were not, in Scotland, exempted from the interference of parliament; and the marriages of the ſovereign were dictated by ſuch political conſiderations as had occurred to that aſſembly. How far it is the duty of a prince to ſacrifice his own inclination, in a matter of this kind, to artificial reaſons of ſtate, and to convert the moſt important and agreeable bond of private ſociety into a proſtituted and diſguſting connection; and how far the alliances derived from ſuch political

 conſider-

* Thus by act James I. ch. 125, the parliament which met April 1429, is, *by its own conſent*, adjourned to the Martinmas following. A ſimilar adjournment ch. 145.

By act James II. ch. 22, it is ordered that a parliament ſhall, at a certain day, be held at Perth, for the diſcuſſion of buſineſs particularly ſpecified.

By act James II. ch. 38, paſſed in Auguſt 1442, a parliament is appointed to be held at Edinburgh in the March following.

See other acts to the ſame purpoſe---James II. ch. 42. ch. 52. James III. ch. 61. ch. 75. *Black Acts.*

conſiderations are likely to be of much national benefit, and worthy the attention of a ſpirited people, it may, perhaps, be difficult to determine. By the old feudal ſyſtem, the vaſſals were obliged to marry with conſent of their liege lord; but that the ſovereign ſhould be forced in this point to comply with the will of the nobles, the ſuperior to take a wife by the direction of his vaſſals, may be thought an unuſual ſtrain of ariſtocracy. We find that in England, Queen Elizabeth treated ſuch interpoſitions of parliament with diſdain, and conſidered them as manifeſt encroachments upon the prerogative. It muſt at the ſame time be acknowledged, that the fetters thus impoſed on the ſovereign, were probably more vexatious, in thoſe times of ſimplicity, than they would be in ages of luxury and diſſipation, when, from different modes of living, the felicity of perſons in high rank is leſs governed by thoſe principles which affect the condition of their inferiors.

The authority aſſumed by the Scottiſh parliament, with relation to the diſtribution of juſtice, which was no leſs extenſive than in the other branches of adminiſtration, will fall

more

more properly to be conſidered, in taking a connected view of the judicial eſtabliſhments of Scotland.

The particulars above-mentioned, concerning the ariſtocratic nature of the government in Scotland, are proved by the moſt authentic evidence, that of the ſtatutes, collected from the records, and publiſhed by authority. It is remarkable, however, that a great part of the ſtatutes referred to, are to be found in the firſt edition only of that collection, publiſhed in the reign of Queen Mary, and, from its being printed in the Saxon character, known by the name of the *Black Acts*. In the reign of James the Sixth, when the prerogative had been greatly extended, a deſign was formed of concealing, as far as poſſible, the ancient ſtate of the government; for which purpoſe an attempt was made to ſuppreſs this edition: and another was publiſhed, in which thoſe acts which appeared to demonſtrate the high powers of parliament were carefully omitted. This mutilated collection is copied in the laſt edition of the ſtatutes publiſhed in the reign of Charles the Second, which is now commonly uſed. The copies

of the Black Acts which remain at preſent are not numerous, and the peculiar knowledge to be derived from that ancient compilation is, in ſome degree, limited to thoſe who are converſant in the legal antiquities of Scotland. The glaring impoſition upon the public, thus attempted by the authority and direction of the crown, affords a noted example of the unprincipled meaſures of that reign, and conveys a ſtrong preſumption, that the old conſtitution of Scotland was diametrically oppoſite to the political views entertained by the ſovereign, and to that ſyſtem of regal power which he was labouring to realize.

Through the whole hiſtory of the period now under conſideration, we diſcover numberleſs events which mark the rivalſhip between the king and the nobility, as well as the exorbitant power in the hands of the latter. In that famous manifeſto drawn up by parliament in 1320, and addreſſed to the pope, they plainly intimate, that by their authority Robert Bruce had been advanced to the throne; and they expreſsly declare, that if ever he ſhould abandon their cauſe, and betray

tray their privileges, they would expel him as an enemy, and chooſe another king to rule and protect them.

When the ſame Robert Bruce had, by his perſevering valour and prudence, delivered the country from ſubjection to the Engliſh monarch, and by a train of brilliant exploits, attained univerſal admiration and popularity, he ventured in parliament, a little inconſiderately, to queſtion ſome of the nobility, by what title they held their eſtates? The tendency of this queſtion was immediately perceived; and the memorable anſwer given unanimouſly by the barons is known to all the readers of Scottiſh hiſtory. They drew their ſwords: "By theſe," ſaid they, "we have acquired our poſſeſſions; and with theſe we will maintain them."

A late elegant writer, who, in his hiſtory of Scotland, unites to the facts collected by former hiſtorians ſuch philoſophical views and diſcuſſions as the diffuſion of knowledge in the preſent age was able to ſupply, has obſerved, that the diſorders which prevailed in the country, and the diſaſters which befel ſo many of its monarchs, from the reign of

James

James the Firſt, to that of James the Fifth, proceeded, in great meaſure, from the eagerneſs of thoſe princes to undermine and deſtroy the exorbitant power of the ancient ariſtocracy.

James the Firſt, a prince of great abilities, and of elegant accompliſhments, was led, not only to aim at the introduction of the ſuperior good order and policy which he had obſerved in England, but alſo to promote a ſimilar aggrandizement of the crown. For this purpoſe he endeavoured gradually to weaken the nobility, by ſeizing the eſtates of particular barons upon pretence of defects in their titles, and by procuring the condemnation and forfeiture of others, upon a proſecution for crimes. His meaſures, however, at length produced a general combination againſt him, and gave riſe to an inſurrection, in which he was cruelly murdered.

His ſon, James the Second, proſecuted the ſame plan of humbling the nobles, but with a brutal impetuoſity and fierceneſs, and with a perfidy which paid no regard to the moſt ſacred engagements. His behaviour ſoon excited a formidable rebellion; from which he found

found means to extricate himſelf by the treachery of ſome of the rebels, and by the irreſolution and weakneſs of their leader. He had proceeded, for ſome time, in improving the advantages ariſing from the diſcomfiture of his enemies, when a ſudden death, by a ſplinter from the burſting of a cannon, put a ſtop to his career, and delivered the nobles from ſo formidable an adverſary.

He was ſucceeded by James the Third, a prince totally deſtitute of the capacity and vigour requiſite for the government of a rude and turbulent people; but who paid ſome attention to the fine arts, and to frivolous exhibitions of mechanical dexterity. He endeavoured to mortify and depreſs the nobles by neglect, by excluding them from his councils, and by depriving them of the offices and privileges with which they had formerly been inveſted; while he ſuffered himſelf to be governed by perſons of mean birth, and paſſed his whole time in the company of thoſe favourites, whoſe petty talents and accompliſhments afforded him amuſement. The indignation of the nobility was inflamed by finding the favour and confidence of the ſovereign,

vereign, to which they aſpired, and which they conſidered as their due, beſtowed upon ſuch unworthy and contemptible objects. Taking advantage, therefore, of an invaſion from England, which required that they ſhould aſſemble their vaſſals, they formed a conſpiracy to rid themſelves of theſe deſpicable rivals, broke into the king's apartment, ſeized his principal minions, and, without any form of law, hanged them over a bridge near the town of Lauder. The infatuated monarch was not rendered wiſer by this humiliating check. Perſevering in the ſame ſyſtem of favoritiſm, he afterwards eſtabliſhed a body guard, and debarred the nobility from all acceſs to his perſon. This at length produced a rebellion, in which he was slain at the battle of Bannockburn, and which by its fortunate iſſue, augmented, for a time, the power of the ariſtocracy*.

The

* Concerning this prince, there is mentioned an occurrence, which may appear too ludicrous for the gravity of hiſtory, and which is too inconſiſtent with royal dignity to be recorded by later hiſtorians. It is said that James, having torn to pieces a charter of the Earl of Morton, on account of the privileges which it contained, the nobility

The character of James the Fourth was very different from that of his father; and he experienced a very different fortune. Full of the ideas of chivalry, his great object was military glory; and, instead of entertaining a jealousy of his nobles, he regarded their fidelity and attachment as indispensably necessary for promoting his own greatness, and admitted them to that degree of intimacy which the spirit of the feudal system introduced between a military leader and his vassals. Their gratitude and affection corresponded to his open and generous dispositions; and their utmost exertions and services were at his devotion. It is observed, however, in the history of this reign, that they suffered more from attachment to the king, than they had ever suffered, on former occasions, from the jealousy and machinations

nobility insisted that he should make satisfaction for the outrage, and obliged his majesty, while sitting on the throne, with a needle and thread, to sew together, carefully, the several fragments of the manuscript. There may be some ground to question the authenticity of this anecdote; but it must be evident, that the authority of the monarch could not be very exalted in a country where such a report was believed or circulated. (See a Discourse of the Union, published 1702.)

chinations of the crown. In the fatal field of Flowden, the Scottiſh nobility, unwilling to deſert or to ſurvive their beloved ſovereign, received a blow which greatly impaired their ſtrength, and from which, for a long time, they did not perfectly recover.

Of the three eſtates in parliament, the great ſuperiority of the nobles created in the two others a diſpoſition, ſo far as they acted from political conſiderations, to form a league in their own defence, and even to unite their influence with that of the crown. The boroughs were too inſignificant to render their aid of much conſequence; but the clergy were poſſeſſed of great wealth, and many individuals among them, from their education and profeſſional habits, were diſtinguiſhed by learning, abilities, and political talents. The higher benefices, at the ſame time, both of the ſecular and regular clergy, were in the gift of the crown, a circumſtance which could hardly fail to conciliate the favour of the church, and to warm and enliven her zeal in ſupporting the prerogative. James the Fifth, who is repreſented as a prince of ſome abilities, but of a gloomy and ſullen temper, appears to have been

been fully ſenſible of this natural connection, and aware of the advantages to be derived from it. He beſtowed his confidence almoſt excluſively upon eccleſiaſtics, appointed them to fill the moſt lucrative offices in the ſtate, and employed them in the chief branches of adminiſtration. By their dexterity, prudence, and vigour, the public tranquillity was maintained, and the buſineſs of the nation, for ſome time, proſperouſly conducted; while the nobles were kept at a diſtance, and carefully excluded from every ſituation either of power or emolument. The whole order of the nobility was thus depreſſed and weakened; at the ſame time that no opportunity was neglected, by accuſations and puniſhments, to accompliſh the ruin of individuals.

Theſe plans of the monarch had for ſome time been proſecuted with ſucceſs, when, from the very ſyſtem of policy to which he had reſorted, he was involved in difficulties which could not eaſily be ſurmounted. Henry the Eighth, in his attempts to deliver his dominions from the authority of the Roman pontiff, was naturally deſirous of procuring the co-operation and countenance of neighbouring ſtates;

and

and, in particular, had propoſed a treaty of alliance with his nephew, the king of Scotland. By this propoſal, the bigoted miniſters of James, foreſeeing that, from an intimate correſpondence between the two countries, the ſpirit of religious innovation was likely to be propagated from the one to the other, were thrown into the utmoſt conſternation. They exerted all their influence to defeat the projected alliance; employed every artifice to prevent a communication with the heretics of England; and were even ſo far ſucceſsful as to perſuade their maſter to reject a conference with Henry, to which he had been invited. The conſequence of this meaſure, ſo contrary to the intereſt of James and of the nation, but ſo conformable to the views of the churchmen, whoſe advice he implicitly followed, was an immediate war with England, which made it neceſſary to convene the nobles for the purpoſe of procuring a military force.

James had now the mortification to diſcover that his proſpects were totally blaſted, and to find himſelf without hopes of relief, under the power of thoſe haughty barons, whoſe jealouſy he had excited, and whoſe indigna-

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tion and reſentment he had incurred. Unable to bear the diſappointment, he died of a ſort of pet, into which he was thrown by the repeated diſobedience of his orders, the contempt ſhown to his authority, and the inſults that were offered to his dignity.

The moſt important event in the reign of the unfortunate Mary, an event which affected the whole train of her public and private tranſactions, was the religious reformation. The new ſyſtem which then took place in Scotland was more democratical than, from the ſtate and circumſtances of the country, could, perhaps, be expected. It aroſe, no doubt, from a variety of cauſes, among which the great power and influence of the nobles was probably not the leaſt remarkable.

1. The diffuſion of knowledge over the countries of modern Europe, and the conſequent diſpoſition which appeared in many of them to deliver themſelves from the tyranny of the church of Rome, were gradual and progreſſive. To paſs over thoſe theological opinions, which, from their abſurdity and pernicious tendency, had given ſcandal to Chriſtians, and to conſider the reformation merely

in a political view, it is to be remarked, that the firſt reformers were content with a total emancipation from the papal power, and with an entire abolition of thoſe monaſtic orders, the great nurſeries of ſuperſtition, by which that papal power had been chiefly ſupported. But, in the courſe of inquiries, and in the heat of controverſy upon that ſubject, the number and variety of abuſes in the old church became gradually more apparent, and the breach between the diſputants was widened. The rottenneſs of the ancient fabrick being more and more laid open, alterations of greater extent and importance were thought neceſſary for the ſecurity of the new edifice. To ſtrike at the root of ſuperſtition, and to prevent mankind from being enſlaved by their ſpiritual guides, it appeared proper to many, that the number even of the ſecular clergy ſhould be reduced; that their opulence ought to be diminiſhed; and that their ſubordination in rank and authority, by which they were cloſely combined, and brought under the direction of one, or a few, leaders, ſhould be aboliſhed.

In moſt of thoſe countries, therefore, in which

which the people began to think of renouncing the errors of the church of Rome, after they had long been the ſubject of examination and cenſure, the ancient hierarchy came to be entirely deſtroyed, a perfect purity among the clergy introduced, and proviſion made by the moderation of the livings beſtowed upon them, for preventing their future power and grandeur. As the reformation made its way, at a later period, into Scotland than into moſt other parts of Europe, it was likely to be adopted by the Scottiſh nation in that higher ſtate, which a long continued ferment in the minds of men had produced, and which coincided with the ardent and exalted ſpirit of the times. The doctrines and the model of church-government which had been eſtabliſhed at Geneva by Calvin, the lateſt apoſtle of the reformers, were thus imported into Scotland by John Knox and his followers; and being received by the people with a warmth of approbation ſuitable to the enthuſiaſtic ardour with which they were inculcated, produced an abhorrence of the hierarchy, and of the pompous worſhip retained in England, ſcarcely inferior to that which was ex-

cited by the groſs errors and abuſes exhibited by the church of Rome.

2. The manner in which the reformation was effected in Scotland, contributed alſo to the peculiar modification which it received in that country. As in England, the king was the leading reformer; he, of courſe, modelled the new ſyſtem in conformity to the intereſt of the crown, and carefully preſerved that ancient hierarchy which was calculated for ſupporting the power of the monarch. But in Scotland, the mother of Mary, and her uncles, of the powerful houſe of Guiſe, were bigoted Roman Catholicks; and, by their authority in the adminiſtration, together with their influence over the young queen, gave ſuch a direction and bias to the courſe of public affairs as produced an uniform and vigorous oppoſition to every ſtep of the reformation. As the people, therefore, became the reformers, in open defiance of thoſe who conducted the machine of government, they were led to eſtabliſh a popular ſyſtem; and, as they had many and great obſtacles to ſurmount before they could accompliſh their ultimate object, their enthuſiaſtic notions of religious purity ſwelled in proportion,

proportion, and prompted them, by the common animoſity which attends every violent conteſt, to recede ſo much the farther from the ancient eſtabliſhment.

3. But the prevalence of ariſtrocacy in Scotland contributed, perhaps, more than any other circumſtance, to the deſtruction of the hierarchy, and to the very limited proviſion that was made for the miniſters of the proteſtant church. As the ignorance and ſuperſtition of the Scottiſh nation was probably not inferior to that of moſt other European countries, it appears that the property accumulated in the hands of the church, conſidering the general ſtate of wealth in the country, was not leſs extenſive. It is computed that, immediately before the reformation, the collective body of the ſecular and regular clergy poſſeſſed, in tythes and landed eſtates, a yearly revenue amounting to a full half of the landed rent in the kingdom *. This opulence preſented a rich field of plunder to the nobles, who, at the ſame time that their political reſentment was excited againſt an order of men which had of late been the great pillar of the crown, had the

* See Forbes on Tythes.

proſpect of ſtripping the church of her large benefices; and, by their great influence and authority, converting to their own uſe the greater part of that immenſe revenue. They united, therefore, moſt cordially with the populace in promoting the preſbyterian ſyſtem of church government; and, from ſtrong motives of intereſt, adopted the ſame line of conduct which the latter eagerly purſued from principle.

Thus we find that the nobility took a very active ſhare in the reformation; and having obtained from the crown a great proportion of what was called the *ſpirituality*, as well as the *temporality*, of eccleſiaſtical benefices, continued afterwards to intereſt themſelves in the new eſtabliſhment, and particularly to guard againſt the future deſigns of the crown for increaſing the power and revenue of the church. For this purpoſe they became members of the *general aſſembly*, or chief eccleſiaſtical council; and continued to ſit in it for near thirty years after its firſt inſtitution. When James the Sixth afterwards introduced a ſort of epiſcopal government, they took care to prevent the reſtitution of any part of thoſe church-revenues

which they had appropriated; and when, at a ſubſequent period, the meaſures of Charles the Firſt threatened the more complete eſtabliſhment of the hierarchy in Scotland, they became active in forming with the people that *ſolemn league and covenant*, by which the whole power of the nation was exerted with the moſt deciſive effect in defeating the meaſures of that ill-adviſed and infatuated monarch.

It may here be remarked, that, from a difference of circumſtances, the preſbyterian religion came to be more deeply rooted, and ſprung up with more vigour in ſome parts of Scotland than in others. In the north, the ſlower advancement of knowledge and the arts diſpoſed the inhabitants to retain the old ſuperſtition, and produced a reluctance to thoſe innovations which were ſo generally adopted in the other parts of the kingdom. In the neighbourhood of the capital, the influence of the crown was more immediately felt, and counteracted, in ſome meaſure, the natural bent of the people, not only towards the reformation in general, but alſo towards the deſtruction of the hierarchy in particular. It was in the weſtern coun-

ties, at ſome diſtance from the ſeat of government, though not ſo remote as to preclude a ſtrong tendency to improvement, that the preſbyterian religion was embraced with a degree of ardour and enthuſiaſm which nothing could withſtand, and which the moſt violent perſecution, in the reign of Charles the Second, ſerved only to augment. The puritanical principles, and the fanaticiſm of thoſe counties, became a ſource of diſtinction; and the peculiarity of aſpect and manners obſervable in the zealots from this quarter, is ſaid to have procured from the courtly inhabitants of the eaſt the nick-name of *whigs*, a religious appellation, which being afterwards applied to the political opponents of the crown, has had the fortune to ſpread over the whole iſland, but which in its original acceptation is ſtill ſometimes uſed in the weſtern parts of Scotland.

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SECTION III.

OF THE GOVERNMENT OF SCOTLAND, FROM THE UNION OF THE SCOTTISH AND ENGLISH CROWNS, TO THAT OF THE TWO KINGDOMS.

From the beginning of this third period, the political hiſtory of Scotland is ſo interwoven with that of England, that it would be inconvenient to enter into a full examination of the former, before we have alſo an opportunity of conſidering the latter. At preſent, therefore, a few preliminary obſervations concerning what was peculiar in the ſtate of Scotland, will be ſufficient.

The government of Scotland, by the acceſſion of her ſovereign to the Engliſh throne, experienced a very ſudden and important revolution. The monarch, from the ſovereignty of a petty ſtate, was at once exalted to the head of an opulent and powerful monarchy, in which the greater part of the feudal inſtitutions had fallen into diſuſe; and in which, upon the ruins of the ariſtocracy, the prerogative of the crown, on the one hand, had

riſen to a conſiderable height; while, on the other, the people were beginning to lay the foundation of their privileges. In theſe circumſtances, the king of England found little difficulty in extending to the northern part of the iſland that authority which he poſſeſſed in the ſouthern part.

But while the nobles in Scotland were thus eaſily reduced under ſubjection to the crown, the people at large were not raiſed to ſuitable independence. In England, as well as in many other European governments, where the prerogative advanced gradually and ſlowly, in conſequence of the gradual advancement of ſociety, the king was under the neceſſity of courting the lower orders of the community, and of promoting their freedom, from the view of undermining the power of the nobility, his immediate rivals. But in Scotland, after James the Sixth had mounted the English throne, neither he, nor his immediate ſucceſſors, had any occaſion to employ ſo diſagreeable an expedient. They were above the level of rivalſhip or oppoſition from the Scottiſh vaſſals of the crown; and had therefore no temptation to free the vaſſals of the nobility

from

from their ancient bondage. A great part of the old feudal inſtitutions, in that country, were accordingly permitted to remain, without undergoing any conſiderable alteration; and the troubleſome forms and ceremonies, formerly uſed in the tranſmiſſion or conveyance of landed property, continue, even at this day, to load and disfigure the ſyſtem of Scottiſh juriſprudence.

The political changes, introduced by James the Sixth, were ſuch as contributed to depreſs the ariſtocracy, without exalting the lower claſſes of the people.

1. This prince enforced the regulation of his predeceſſor, James the Firſt, by requiring that the repreſentatives of counties ſhould give a regular attendance in parliament. In Scotland, however, this meaſure, though profeſſedly in imitation of the practice in England, was adopted with peculiar modifications agreeable to the views of the monarch. By the practice in England, all who held lands of a certain value, whether as vaſſals of the crown or of a ſubject, and all who enjoyed leaſes for life of lands to the ſame amount, were entitled to vote for the knights of ſhires; whereas

whereas in Scotland, none but the immediate vaſſals of the crown, how extenſive ſoever *their landed property might be, obtained a right of ſuffrage. In England their elective* franchiſe had been brought ſo low as a yearly rent of forty ſhillings; and the ſame rule appears by the regulation of James the Firſt, to have been introduced into Scotland. By the debaſement, however, of the money in Scotland, the qualification for voting, according to this nominal rent, would have fallen a great deal lower; but it ſuited the purpoſes of James the Sixth to explain this regulation, as if it had required the voters to poſſeſs, not merely a real rent of forty ſhillings, but a rent amounting to that ſum, according to an old valuation of all the lands in Scotland, which had long been the rule to the vaſſals of the crown for the payment of their taxes. This valuation, from the low ſtate of agriculture when it was made, bearing no proportion to the real value of eſtates, the right of electing the repreſentatives of counties, inſtead of being communicated, as in England, to people of ſmall property, was confined to a few

of

of the gentry, who might eaſily be ſecured in the intereſt of the crown.

2. *The number of burgeſſes who ſat in the* Scottiſh parliament had, from the time of their firſt introduction, been gradually increaſing by the incorporation of additional boroughs. The nobility, at the ſame time, living in the neighbourhood of particular towns, had often found means to gain an influence over the inhabitants, and to obtain the direction of ſuch incorporated bodies. In all the royal boroughs of Scotland, the diſtribution of juſtice, and the management of their public affairs, were committed to a ſet of magiſtrates, and a town council, who, according to the primitive regulations, appear to have been annually choſen, in each borough, by the collective body of the burgeſſes*.

By degrees, however, such individuals as had obtained the patronage of particular boroughs,

* See Leges Burgorum, c. 77. Statuta Gildæ, c. 33. c. 34.

This mode of electing the magiſtrates and town-council was probably continued for a long time in all the boroughs, as may be concluded from a great number of their charters. See ſtate of the evidence contained in the returns to the houſe of commons 1791.

roughs, whether the king or any of the great barons, endeavoured to eſtabliſh a permanent influence, by ſubſtituting other modes of election more favourable to their interest. Thus, by a ſtatute in the reign of James the Third, it is provided, "that the old council ſhall annually elect the new; and that the old and new council jointly ſhall elect the officers of the boroughs *."

It is probable that this regulation was dictated by the nobility, who had procured an entire ascendant in many of the boroughs, and frequently held the principal offices in those communities. It is, accordingly, further provided in the ſame ſtatute, "that no captain, nor conſtable of the king's castles, shall bear any office in the town where he resides †."

For ſecuring ſtill more effectually the intereſt which had been already eſtabliſhed in a borough, it was afterwards enacted by the legiſlature, "that *four perſons only* of the old council ſhould be changed each year;" a regulation plainly intended to relieve the patron from the embarraſſment he might be under, in ſubſtituting,

* 1469. c. 30. † Ibid.

ſubſtituting, all at once, an entire new ſet of adherents to thoſe who had been diſplaced.

We meet alſo with other ſtatutes, apparently calculated to limit the effects of the former, and probably ſuggeſted by the crown, ordaining that the officers of boroughs ſhould be *real inhabitants*, and *traders of the community;* but the frequent repetition of these acts affords undoubted evidence that little regard had been paid to them.

After James the Sixth was inveſted with the authority of king of England, he found that many of the regulations, introduced by the nobility for the management of the boroughs, were become highly ſubſervient to the maintenance of that influence over them which had then been transferred to the crown; and therefore, inſtead of aboliſhing that ſyſtem of policy, he was diſpoſed to encourage and make improvements upon it. From this time forward, the members of thoſe communities were, by various alterations, more and more ſtript of the adminiſtration and government of their own affairs; while their nominal adminiſtrators and governors became, in reality, the agents and tools of the crown. This obſervation will explain

plain a paſſage in the *claim of rights*, preſented by the eſtates of Scotland ſoon after the revolution of 1688; in which it is ſaid, "That the abdicated family had ſubverted the rights of the royal boroughs, by impoſing upon them the *magiſtrates*, the *town-council*, and the *clerks and other officers*, contrary to their liberties, and their expreſs charters."

3. Notwithſtanding the introduction of the preſbyterian church-government into Scotland, the king contrived to continue an appearance of the eccleſiaſtical order in parliament. The prelates, whom James retained in that aſſembly, were a ſort of biſhops poſſeſſed of ſmall revenue, deſtitute of all authority, and loaded with the contempt and cenſures of the church. But after he became king of England, he found means to increaſe their powers and emoluments, and to lay the foundation of that epiſcopal government which was completed by his ſon and his grandſons, but which was finally aboliſhed at the revolution *.

4. The

* Before the reformation, there were in Scotland two archbiſhoprics, 12 biſhoprics, 27 abbacies, and 13 priories. Balfour's Pract. p. 34.

4. The parliament of Scotland was thus, after the union of the crowns, compoſed of the ſame orders with that of England; the nobility, the biſhops, the knights of ſhires, and the burgeſſes. To theſe different members, however, were added the great officers of ſtate, who ſat in parliament, not as in England by repreſenting particular counties or boroughs, but merely in conſequence of holding their ſeveral offices. It is probable that their admiſſion into that aſſembly had proceeded, not from any formal regulation, but from the ordinary courſe of buſineſs, which required that, as miniſters of the crown, they ſhould make frequent propoſitions to the legiſlature concerning thoſe meaſures which called for its direction. In England, where an act of parliament was paſſed in the form of a petition to the crown, the king had no occaſion to interfere in the buſineſs before it was preſented to him for his conſent. But in Scotland, where the three eſtates enacted laws by their own authority, and where the crown had no negative, it was neceſſary that his majeſty, if he was to give his opinion at all, ſhould mix in the deliberations of parliament, and take ſome ſhare in its debates. The

dignity of the crown, however, ſeemed to require that this communication with the national aſſembly ſhould be made, not by the ſovereign in perſon, but through thoſe great officers to whom the ordinary adminiſtration of government was delegated. At what time theſe officers were firſt conſidered as inveſted with this privilege, is unknown; but in the reign of James the Sixth, if not at an earlier period, it appears to have been completely eſtabliſhed *.

5. The appointment of the *lords of the articles* underwent a number of ſucceſſive alterations, all of them calculated to render it a more effectual engine of parliamentary management. When thoſe commiſſioners were in the nomination of parliament, it became a natural practice that a certain number of them ſhould be named by each particular eſtate as its own repreſentatives. At the reformation the ſuſpicion

* By parl. 1617, the number of theſe officers who ſhould, *ex officio* enjoy a ſeat in parliament, was limited to the eight following: 1. The high treaſurer. 2. The deputy treaſurer. 3. The ſecretary. 4. The privy ſeal. 5. The maſter of requeſts. 6. The clerk regiſter. 7. The juſtice clerk. 8. The advocate.

cion entertained of the biſhops ſeems to have introduced a regulation that the ſpiritual commiſſioners, though choſen from the dignified clergy, ſhould be nominated, not by their own order, but by the nobles *.

James the Sixth obtained an act of the legiſlature, ordaining, that, before the meeting of parliament, four perſons ſhould be named out of each eſtate as a committee previouſly to conſider and determine the buſineſs to be laid before the lords of the articles; and, as the king appears to have aſſumed the nomination of this committee, he was thus inveſted with a previous negative upon thoſe commiſſioners themſelves who prepared matters for the deliberation of parliament. Charles the Firſt ſuperſeded this regulation by bringing the appointment of the lords of the articles directly under the guidance of the crown. He procured an act of parliament empowering the peers to chooſe eight biſhops, the biſhops eight peers; and thoſe ſixteen perſons to elect

* Some writers think that the ſame act which made this regulation, provided alſo that the commiſſioners of the peerage ſhould be named by the biſhops; but this appears doubtful. See Wight on the Scottiſh parliament.

eight knights of ſhires and eight burgeſſes; to all of whom were added the eight great officers of ſtate. It is obſerved by an acute author *, that as at this time the biſhops, from the manner in which they were upheld in parliament, were uniformly in the intereſt of the crown, and as, from the ordinary ſtate of the peerage, the biſhops might eaſily find one or two commiſſioners of that claſs in the ſame intereſt, a majority of the ſixteen, and conſequently of the whole committee, would infallibly be the adherents of the prerogative. Upon this footing, unleſs during the uſurpation of Cromwell, the lords of the articles continued until the revolution, when they were finally aboliſhed.

By the union of the crowns of England and Scotland, the capital city of the former became the uſual reſidence of the monarch; and the latter country was reduced into the ſituation of a diſtant province. The baneful effects of this change upon the adminiſtration of the government in Scotland will be the ſubject of a future examination. We may at preſent take notice of its immediate conſequences with

* See Eſſays on Britiſh Antiquities by Lord Kames.

with reſpect to the character and manners of the inhabitants, and with reſpect to their progreſſive improvements in arts and literature.

The removal of the king and of the court to the ſouthern part of the iſland, was followed by a correſpondent migration of the Scottiſh nobility and gentry, who naturally reſorted to the new ſeat of government in queſt of amuſement, or in hopes of ſharing the favour of the prince. Deſerted by theſe men of rank and fortune, Scotland loſt unavoidably that market which formerly aroſe from ſupplying them with the neceſſaries and conveniencies of life, and conſequently that induſtry which it had put in motion. She loſt, in like manner, ſome of the principal ſources of emulation and of exertion in the liberal arts; while the ſtandard of taſte and faſhion being transferred to a foreign kingdom, her candidates for fame were conſequently withdrawn from the day-light of honour and diſtinction. Her language, I mean that uſed in the lower parts of the country, originally a branch of the Anglo-Saxon, ceaſed to be conſidered as an independent dialect, and was regarded merely as a corruption of Engliſh. Her writers, of courſe, labouring

to expreſs themſelves in a tongue no longer native to them, and ſtruggling to become acquainted with its idioms, were no more the competitors, but reduced to be the humble imitators of their ſouthern neighbours.

From this change of circumſtances, the inhabitants of Scotland were greatly diſcouraged and retarded in the improvement of manufactures; and remained for a long time in that ſimple ſtate of ſociety which precedes the minute diviſion of labour among the different kinds of artificers. They were alſo prevented from cultivating thoſe elegant arts which are the natural offspring of luxury and refinement, more eſpecially thoſe branches of literary compoſition whoſe object is merely entertainment.

But though the Scots were left far behind their neighbours of England, in the accumulation of wealth, in the habits of induſtry, and in thoſe inventions which contribute to ſhorten and facilitate labour, they had already made ſome advances in knowledge, and they were ſurrounded by other civilized nations, from whom they could hardly fail to catch a degree of ſcience and literature. The revival of letters in modern Europe, was attended by

a ſpirit of activity and exertion, which diffuſed itſelf, more or leſs, over the whole; and by imitation or emulation, by a correſpondence among perſons of genius and enterprize, by the patronage of princes and men of wealth, puſhed on the people of every country to a variety of uſeful and liberal purſuits. The inhabitants of Scotland were affected by the ſame general cauſes of improvement which operated upon the ſurrounding nations; though, in compariſon with the Engliſh, they lay under diſadvantages; but as their objects were varied, ſo their path was a good deal different. The people of Scotland, ſo far as they cultivated letters, were directed into the road of general ſcience. Deſpairing of reputation, either as poets, or fine writers, they advanced by degrees in thoſe branches of learning and philoſophy, which had diffuſed themſelves over the reſt of Europe.

The peculiar ſpirit with which the Scots had overturned the Roman Catholic ſuperſtition, gave a particular modification to their intellectual purſuits. The great ferment excited over the whole nation, the rooted anti-

pathy to the former eccleſiaſtical doctrines, produced a diſpoſition to inquire, and to embrace no tenets without examination. The energy requiſite for the accompliſhment of the reformation, and the impulſe which that event gave to the minds of men, continued after the new ſyſtem was eſtabliſhed; and produced a boldneſs and activity, not only in examining religious opinions, which were of great extent, but in the general inveſtigation of truth. Even the common maſs of the people took an intereſt in the various points of theological controverſy; became converſant in many abſtract diſquiſitions connected with them; and were led to acquire a ſort of literary curioſity.

The activity and vigour of mind which had thus been excited, produced a general attention to the propagation of knowledge, by a liberal education. In the reign of James the Sixth, public ſchools were eſtabliſhed in every pariſh, to teach reading in the vulgar tongue, writing, and accounting; and in thoſe places where it was found requiſite, the Latin, or even the Greek language. This inſtitution has been frequently regarded as the cauſe of the diffuſion

diffuſion of knowledge among the lower claſſes in Scotland; but it ſeems, in reality, to be the effect of a general demand for inſtruction, without which, any regulation of this nature would have ſoon fallen into diſuſe.

The ſame circumſtances which tended in Scotland to multiply ſeminaries of education, contributed alſo to model thoſe inſtitutions according to utility and the conveniency of the inhabitants. While the principal ſchools and univerſities of England, from the remains of antient prejudice, confined their attention, in a great meaſure, to the teaching of what are called the learned languages, thoſe of Scotland extended their views in proportion to the changes which took place in the ſtate of ſociety, and comprehended, more or leſs, in their plan of inſtruction, the principles of thoſe different ſciences which came to be of uſe in the world.

While the Scottiſh nation in general received an intellectual ſtimulus by the violent impulse given at the reformation, the lower and middling ranks of the people were peculiarly affected by the ſlow progreſs of manufactures. In England, a great proportion of

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the inhabitants, engaging in active employments, and having their attention fixed upon minute objects, acquired, by their ſituation and habits, great profeſſional ſkill and dexterity; but in every thing beyond their own trade or profeſſion, remained proportionably deſtitute of experience and obſervation. In Scotland, on the contrary, the great body of the people were either idle, or ſlightly occupied by a coarſe trade or manufacture, in which various branches of labour were united; ſo that the ſame perſons, though leſs dexterous or ſkilful in any one department, were not prevented from attending ſucceſſively to a variety of objects, from applying themſelves to different purſuits, and conſequently from attaining different kinds of information. From ſuch a difference of circumſtances, knowledge, as well as labour, came, in the one country, to be minutely divided; and, though a great quantity of this mental treaſure was contained in the whole aggregate, yet from the manner of its diſtribution, a very ſmall portion commonly fell to the lot of an individual: whereas in the other country, though the ſum total of improvement was inconſiderable, yet that little

was

was not appropriated in ſuch diminutive parcels, but remained, in ſome meaſure, as a common ſtock, which every member of the community might bring at pleaſure to market.

In all parts of the world it is accordingly obſervable, that the great body of the people, while they remain in a ſtate of rudeneſs and ſimplicity, are diſtinguiſhed by their intelligence, acuteneſs, and ſagacity; and that in proportion to their advancement in commerce and manufactures, they become ignorant, narrow-minded, and ſtupid. But in the period of the Scottiſh hiſtory now under conſideration, the lower and middling claſſes of the people were placed in the former ſituation; at the ſame time that, from the cauſes already mentioned, the more enlightened part of the nation was not altogether deſtitute of literature and philoſophy. While a great number of all ranks were neither immerſed in buſineſs nor engroſſed by the early purſuit of gain, they were at leiſure to procure inſtruction, to go through a regular courſe of education at ſchools and univerſities, and to ſpread over the community a reliſh for ſuch parts of learning as was then faſhionable. A ſtrong predilection

dilection for what are called the learned profeſſions became thus very prevalent in Scotland; and men of an active diſpoſition, little accuſtomed to an ordinary routine of employments, were eaſily induced to change their profeſſional objects, or even to migrate into foreign countries for the purpoſe of advancing their fortune *.

The intelligence, ſagacity, and diſpoſition to learning, in the common people of Scotland, were inſeparably connected with that modeſty and reſerve which makes a diſtinguiſhing feature in the manners of all rude and ſimple nations.

* Of all the common trades, in the hands of the vulgar, that of gardening approaches the neareſt to a liberal profeſſion. A gardener, by the cultivation of fruits and vegetables, acquires a conſiderable branch of the knowledge in the department of a farmer; by collecting a number of plants, by obſerving their analogies and differences, and by arranging and aſſorting them, he becomes a proficient in botany; by ſtudying their medical virtues, and by taking advantage of the credulity of his neighbours, he is exalted into a ſpecies of phyſician.

Theſe advantages produced a powerful attraction to this employment; the ſame bias remains even to the preſent times; and Scotland, it is well known, has the merit of furniſhing a large proportion of the gardeners over Great Britain.

tions. Theſe qualities proceed from the neceſſitous condition of mankind antecedent to the improvements of ſociety, when, from the difficulty of ſupplying their own wants, they have little opportunity or diſpoſition for exerciſing a mutual ſympathy or fellow-feeling with each other; and, conſequently, are aſhamed and unwilling to diſcloſe the ſecret emotions and ſentiments which they know will meet with little attention or regard. That ſtyle of diſtance and reſerve which the Scots poſſeſſed in common with all rude nations, was confirmed, we may ſuppoſe, and peculiarly modified by the nature of their government and political circumſtances. As the common people were extremely dependent upon the higher claſſes, they became neceſſarily cautious of giving offence, and deſirous of recommending themſelves to their ſuperiors by an obliging deportment, by obſequious attention, and by a ſtudied expreſſion of zeal and affection. The habits produced by ſuch a ſituation are, doubtleſs, not very favourable to plain-dealing and ſincerity; however, they may fit the poſſeſſor for the intercourſe of the world, and render him expert in ſmoothing

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the frowns or improving the ſmiles of fortune.

The national characters beſtowed upon the inhabitants of different countries, muſt be received with large allowances for exaggeration and prejudice; though, as they proceed upon general obſervation, they have uſually a foundation in truth. In this light we may view the character of the Scottiſh nation delineated by her Engliſh neighbours; and ſo far as the picture is genuine, it will, perhaps, be in ſome meaſure explained by the foregoing remarks.

The ſhrewdneſs, cunning, and ſelfiſhneſs, imputed to the people of Scotland, are merely the unfavourable aſpect of that intelligence and ſagacity by which they are diſtinguiſhed above the mere mechanical drudges in the ſouthern part of the iſland, and by which they are more able to diſcover their own intereſt, to extricate themſelves from difficulties, and to act, upon every occurrence, with deciſion and prudence.

They are accuſed of not being over-ſcrupulous with reſpect to the dignity of thoſe methods by which they endeavour to better their circumſtances. It is to be feared that this accuſation

cuſation has no very peculiar application to the inhabitants of the north. If it has any real foundation, it muſt undoubtedly be imputed to the debaſing effects of the old Scottiſh government, and to the long continuance of that poverty and dependence, from which the people, in our days, are but beginning to emerge.

The national ſpirit of Scotchmen has been much taken notice of; inſomuch that they are ſuppoſed to be all in a confederacy to commend and extol one another. We may remark, that, as candidates, either for fame or profit, in the London market, they are greatly the minority; and it is not ſurpriſing, that in ſuch a ſituation they ſhould feel a common bond of union, like that of ſtrangers in a hoſtile country

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It is ſaid that the common people in Scotland never give a direct anſwer. This may proceed, no doubt, from habits of caution, concealment, and diſſimulation; but it may alſo be derived from a habit of reflection, which leads them to diſcern not only what you directly inquire, but what farther information you may wiſh to obtain. "Pray, "friend, am I in the right road to ſuch a place?" "What place did you come from, Sir?" "What buſi-

"neſs

The deficiency of Scottiſh authors, in every department connected with wit and humour, has been univerſally admitted. This we may aſcribe to the ſly and cautious temper of the people, which is calculated to repreſs every exertion of mirth and pleaſantry. It may alſo have proceeded, in ſome meaſure, from the difficulty they meet with in attaining ſuch a command of the Engliſh language as muſt be requiſite for the forcible and humorous delineation of ordinary life and manners*.

" neſs have you, friend, with the place I came from?" " None at all, Sir; but I have as little with the place to " which you are going."

* A noted literary character has waggiſhly obſerved, in ſpeaking of the learning of Scotland, " That every " one has a mouthful, but nobody a bellyful." The amount of this criticiſm ſeems to be, that inſtead of conſuming their whole life by a vain endeavour to become adepts in two dead languages, they have diveſted themſelves of a ſuperſtitious reverence for antiquity, and are content to cultivate each branch of knowledge ſo far only as they find it uſeful or agreeable. The mouthful of the Scot may be ſomewhat ſcanty, but it is freſh and wholeſome food; to him the Engliſh bellyful ſeems *offal*.

CHAP. II.

CHANGES IN THE POLITICAL STATE OF ENGLAND FROM THE ACCESSION OF THE HOUSE OF STUART—THE ADVANCEMENT OF COMMERCE AND MANUFACTURES—INSTITUTIONS FOR NATIONAL DEFENCE—DIFFERENT EFFECT OF THESE IN BRITAIN, AND UPON THE NEIGHBOURING CONTINENT.

THE acceſſion of James the Firſt to the Engliſh throne, while it gave riſe to ſuch remarkable changes in the ſtate of his ancient hereditary dominions, became the ſource of great advantages, in common to both countries; from which, however, England, as the ruling power, derived the principal benefit. As far back as we can clearly trace the hiſtory of the two kingdoms, we find them engaged in a courſe of mutual depredation and hoſtilities, during which, indeed, England was commonly in the end victorious; though, at the ſame time, from her ſuperior wealth,

ſhe was uſually the principal ſufferer. Upon the Norman conqueſt, when England was involved in connections with the continent of Europe, her enemies were of courſe incited to cultivate the friendſhip of Scotland; and after the pretenſions of the king of England to the ſovereignty of France had produced a rooted animoſity between the two countries, the monarchs of the latter became the conſtant allies of the Scottiſh princes. In this ſituation, Scotland was commonly the dupe of French politics; and was found a convenient inſtrument for creating a powerful diverſion of the forces in the ſouthern part of the iſland. The invaſions of England by her Scottiſh neighbours, being thus directed and aſſiſted by a foreign power, became in many caſes alarming and formidable. In the reign of Elizabeth, France had an opportunity of retaliating the vexation and embarraſſment ſhe had felt from her ancient enemy, by ſupporting the claim of Mary, Queen of Scots, to the crown of England. The artful policy of the Engliſh queen, in order to counteract and diſappoint the machinations practiſed againſt her, has been ſuppoſed by many to throw an indelible

stain

ſtain upon her character; and even when regarded in the moſt favourable point of view, can be juſtified only by its neceſſity. The intrigues of this wiſe princeſs, the expence incurred by her on that account, the extreme vigour, not to ſay injuſtice, with which ſhe treated her unfortunate rival, a meaſure which, ſhe foreſaw, was likely to draw upon her the public cenſure and reſentment: all theſe are ſufficient proofs of the danger to which ſhe found herſelf expoſed, and of the miſchief which her dominions were liable to ſuffer through the medium of Scotland.

By the union of the two crowns in the perſon of James the Firſt, England was completely delivered from every hazard of that nature. The two kingdoms, having the ſame ſovereign, poſſeſſed of the power of declaring war and peace, were reduced under the ſame adminiſtration, and conſequently deſtined for the future to live in perpetual amity. As their whole military force acted under one head, and againſt their common enemies, they were enabled to aſſume a ſuperior rank in the ſcale of Europe; while the inſular ſituation of Britain gave her little ground to apprehend

any foreign invaſion, and little reaſon to interfere in the politics of the continent.

The peace and ſecurity which England derived from theſe favourable circumſtances contributed to the encouragement of induſtry, and to the improvement of thoſe commercial advantages which the peculiar ſituation of the country had beſtowed upon her. After the acceſſion of the houſe of Stuart, therefore, the advancement of trade and manufactures became ſtill more conſpicuous than it had been under the princes of the Tudor family; and its conſequences, in diffuſing opulence and independence, were proportionably more extenſive. Towards the latter part of the reign of Elizabeth, the woollen manufacture, which, from the tyranny of Spain in the Netherlands, had been tranſported into England, gave employment to a number of induſtrious hands, and put in motion a correſpondent amount of capitals, which, upon the extenſion or variation of the demand for commodities, could eaſily be diverted into other channels. Various branches of manufacture ſprung up, one after another; and found a market for their productions. The proſperity of inland trade

trade produced an inclination, as well as a capacity, for greater commercial enterprizes; and occaſioned the formation of colonies in diſtant parts of the world. To promote ſuch undertakings, the aſſiſtance of government was given to the private adventurers; and a number of trading companies, with various excluſive privileges, which at that time proved of general utility, were eſtabliſhed.

By the progreſs of theſe improvements, a greater proportion of the inhabitants, inſtead of living as retainers or ſervants of the rich, became engaged in various mechanical employments, or in different branches of traffick, from which they could earn a livelihood without the neceſſity of courting the favour of their ſuperiors. An artificer, whoſe labour is enhanced by the general demand for it, or a tradeſman who ſells his goods in a common market, conſiders himſelf as his own maſter. He ſays that he is obliged to his employers, or his cuſtomers; and he treats them with civility; but he does not feel himſelf greatly dependent upon them. His ſubſiſtence, and his profits, are derived not from one, but from a number of perſons; he knows, beſides, that

their employment, or their cuſtom, proceeds not commonly from perſonal favour, but from a regard to their own intereſt; and conſequently that, while he ſerves them equally well, he has no reaſon to apprehend the decline of his buſineſs. Riſing more and more to this independent ſituation, artificers and tradeſmen were led by degrees to ſhake off their ancient ſlaviſh habits, to gratify their own inclinations or humours, and to indulge that love of liberty, ſo congenial to the mind of man, which nothing but imperious neceſſity is able to ſubdue.

The independence and the influence of this order of people was farther promoted by the circumſtance of their being collected in towns, whence they derived an extreme facility in communicating their ſentiments and opinions. In a populous city, not only the diſcoveries and knowledge, but the feelings and paſſions of each individual are quickly and readily propagated over the whole. If an injury is committed, if an act of oppreſſion is complained of, it immediately ſpreads an alarm, becomes the ſubject of clamour and cenſure, and excites the general indignation and reſentment.

Every

Every one roufed by the example of thofe around him, lofes the fenfe of his own danger in the ardour and impetuofity of his companions. Some bold and enterprizing leader acquires an afcendancy over their common movements; and while their firft impreffions are yet warm, finds no difficulty in uniting them to defend their privileges, or to demand redrefs for their wrongs.

While the tradefmen, manufacturers, and merchants of England, were thus rapidly increafing in number, and advancing to fuch comfortable fituations, many individuals in thofe claffes were, by fuccefsful induftry in the more lucrative branches of trade, and by a rigid and perfevering economy, the natural effect of their habits, enabled to acquire fplendid fortunes, and to reflect a degree of luftre upon the profeffion to which they belonged. In this, as in all other cafes, property became the fource of conſideration and refpect; and, in proportion as the trading part of the nation became opulent, they obtained more weight in the community.

The progreffive advancement of the freedom and independence of the manufacturing

and mercantile people was followed, in the natural courſe of things, by that of the peaſantry or farmers, the other great claſs of the commonalty. From the multiplication of the trading towns, and their increaſing population and riches, the conſumption of all the neceſſaries of life was promoted, and the market for every ſpecies of proviſions proportionably extended. The price of every article produced by the land was therefore enhanced by a greater competition of purchaſers; and the labour of thoſe perſons employed in agriculture was called forth and rewarded by an augmentation of profits; not to mention, that the activity and enterprizing genius of merchants, ariſing from their large capitals, their extenſive dealings, and their mutual intercourſe, were naturally communicated to the neighbouring farmers; who, from the limited nature of their undertakings, and from their diſperſed and ſolitary reſidence, truſting to the ſlow experience and detached obſervations of each individual, were likely, independent of this additional excitement, to proceed with great caution and timidity, and therefore to advance very ſlowly in the knowledge of their profeſſion.

profeſſion. In proportion to the general improvement of agriculture, it was expected that farmers ſhould undertake more expenſive operations in manuring and meliorating their grounds; and to encourage theſe undertakings, the maſter found it neceſſary to give them a reaſonable proſpect of indemnity, by ſecuring them for an adequate length of time in the poſſeſſion of their farms. By the extenſion of leaſes of land, which became more and more univerſal, the farmers of England not only were emancipated from their primitive dependence, but acquired a degree of rank and importance unknown in moſt other countries.

The ſame cauſes which exalted the common people, diminiſhed the influence of the nobility, or of ſuch as were born to great fortunes. The improvement of arts, the diffuſion of all thoſe accommodations which are the natural conſequence of that improvement, were accompanied with a change of manners; the ancient plainneſs and ſimplicity giving place by degrees to a reliſh for pleaſure and to a taſte of luxury and refinement, which were productive of greater expence in all the articles of living. Men of high rank, who found them-

themſelves, without any exertion of their own, poſſeſſed of great wealth, were not prompted by their ſituation to acquire habits either of induſtry or of economy. To live upon their eſtates, to paſs their time in idleneſs, or to follow their amuſement, was regarded as their birth-right. Gaining nothing, therefore, by their induſtry, and expoſed by the growing luxury of the times to the daily temptation of increaſing their expences, they were, of courſe, involved in difficulties, were obliged to deviſe expedients for raiſing money, and reduced to the neceſſity of purchaſing an additional rent, by granting long leaſes, or even more permanent rights to their tenants. The ancient retainers, whom every feudal baron had been accuſtomed to maintain upon his eſtate for the purpoſe of defending him againſt all his enemies, were unavoidably diſmiſſed; and the military ſervices, which had been formerly exacted from the vaſſals, were converted into ſtated pecuniary payments. Theſe converſions, indeed, were at the ſame time recommended from the change of manners and the alterations in the ſtate of the country; as, by the ſuppreſſion of private feuds among the great

great lords, and the general eſtabliſhment of peace and tranquillity, the maintenance of ſuch retainers, on account of perſonal defence, was become ſuperfluous.

The nobility, or great barons, were thus deprived of that armed force, and of that multitude of adherents and dependents by which they had formerly ſupported their authority and dignity. Many individuals among them, from the progreſs of diſſipation and extravagance, were at length obliged, upon the failure of other reſources, to contract debts, to mortgage, and to ſquander away their eſtates. The frugal and induſtrious merchant, who had acquired a fortune by trade, was enabled, in ſuch a caſe, to purchaſe what the idle and extravagant proprietor found it neceſſary to ſell. Property in land, originally the great ſource of influence, was in this manner tranſferred from the higher to the lower claſſes; the character of the trader and that of the landed gentleman were in ſome meaſure confounded; and the conſideration and rank of the latter were, by a change of circumſtances, communicated to the former.

Theſe gradual changes in the ſtate of the

country could not fail to affect the condition of the monarch, as well as the authority of parliament, and, in particular, the relative weight of the two houſes.

The improvement of arts, and the progreſs of luxury and refinement, which increaſed the rate of living to every nobleman, or private gentleman, had neceſſarily the ſame effect upon that of the ſovereign. The additional accommodations and pleaſures, the various modes of elegance or oſtentation, which the faſhion of the times was daily introducing, occaſioned a proportional addition to the expence requiſite for ſupporting the king's houſehold, and maintaining the dignity of the crown. The different officers and ſervants employed in all the branches of public buſineſs, finding their ſubſiſtence more expenſive than formerly, required of courſe an augmentation of ſalaries or emoluments. From the advancement of ſociety in civilization, from the greater accumulation of property in the hands of individuals, and from a correſpondent extenſion of the connections and purſuits of mankind, a more complicated ſet of regulations became neceſſary for maintaining

taining good order and tranquillity; and the number of different officers and ſervants in the various departments of adminiſtration was unavoidably augmented. Upon all theſe accounts, the king, who found his ancient revenue more and more inadequate to his expences, was laid under greater difficulties in ſupporting the machine of government, and obliged more frequently to ſolicit the aid of parliament for obtaining additional ſupplies.

Theſe effects of the increaſing trade and opulence of the country had begun to be felt in the reign of Elizabeth; who, at the ſame time, from her peculiar ſituation, from the number and power of her enemies, and from the intricate and artful policy to which ſhe reſorted in order to fruſtrate their deſigns, was involved in extraordinary expences. Wiſhing, however, to preſerve her popularity, and having probably little regard to her apparent ſucceſſor, ſhe was willing to alienate the crown-lands, rather than impoſe new burdens upon her ſubjects; inſomuch that, upon the acceſſion of James, when the ſtate of the monarchy demanded an augmentation of revenue, the ancient patrimony of the crown had been

greatly reduced. From particular accidents, therefore, as well as from the operation of general cauſes, there was opened at this period a new ſource of influence, tending, in ſome degree, to reverſe the former channels of authority, and to render the monarch dependent upon the national council. As the king had no ordinary funds for the execution of any important meaſure, either houſe of parliament, by withholding its aſſent to the taxes propoſed, might with the utmoſt facility arreſt his moſt favourite enterprizes, and even put a ſtop to all the movements of adminiſtration.

It is manifeſt, however, that the circumſtances which had thus contributed to extend the authority of parliament, muſt have tended in a peculiar manner to exalt the houſe of commons. In conſequence of the growing wealth and independence of the people, the houſe of commons, compoſed of the repreſentatives of the people, roſe to ſuperior eminence, and aſſumed more extenſive privileges. Its dignity and power were, at the ſame time, promoted by the king, who, in the long continued ſtruggle with the nobles, had endeavoured to undermine their influence by exalting the lower orders of the

the community. For this purpoſe the intereſt of the crown had been employed in bringing the knights of ſhires into parliament, in ſeparating them from the great barons, and uniting them in one houſe with the burgeſſes. With the ſame view the kings of England, more eſpecially thoſe of the Tudor family, not only encouraged the frequent meetings of parliament, but promoted the interference of the houſe of commons in all the branches of parliamentary buſineſs, and connived at thoſe forms of proceeding by which it acquired the excluſive right of introducing all bills intended to impoſe any tax or pecuniary burden upon the people. Wherever the monarch was afraid of hazarding the direct exertion of his prerogative, he had commonly recourſe to the lower houſe of parliament, of whoſe aid, in oppoſing the nobility, he ſeldom had any reaſon to doubt.

But the time was now come when this union of intereſt between the crown and the houſe of commons could no longer ſubſiſt. The inferior ranks having attained a certain pitch of independence, had no longer occaſion for the protection of the ſovereign; while the nobility,

ty, fallen from their ancient power and grandeur, had ceaſed to be the objects of terror. The commons were now in a condition to defend thoſe privileges which they had invariably exerciſed, and which immemorial cuſtom had ſanctioned. They repreſented by far the greateſt part of the landed property, and almoſt the whole perſonal wealth of the kingdom; and in their meaſures for promoting their own intereſt and that of their conſtituents, they were likely to be ſupported by the great body of the people. Their apprehenſion and jealouſy, inſtead of being excited by the peers, was now more properly directed to the monarch, whoſe power had of late become ſo exorbitant, and of whom the peers, no longer the rivals, were become, a great part of them, the dependents and ſubordinate agents.

In the reign of queen Elizabeth this independent ſpirit of the commons had begun to appear; but, from the acceſſion of James the Firſt, becoming much more conſpicuous, it was productive of uniform and repeated exertions for limiting the encroachments of the prerogative, and for maintaining and extending the popular part of the conſtitution.

Of

Of all the innovations arising from the progress of the arts, and the advancement of civilized manners, that which related to the national defence was the most remarkable. The dismission of the ancient retainers belonging to the proprietors of land, and the employment of a great proportion of the lower people in arts and manufactures, made it no longer possible, in those emergencies when a military force was required, to call out the feudal militia into the field. The vassals of the crown, therefore, unable to fulfil the engagements implied in their original tenures, were obliged, in place of military service, to offer a pecuniary composition, from which a general contribution or tax was at length introduced; and with the money collected in this manner, the king, upon whom was devolved the care of defending the country, was put in a condition to hire soldiers for the purpose. This alteration in the system of national defence, which began upon the dawn of improvement in the kingdom, was gradually making advances till the reign of James the First, when the attendance of the vassals was totally relinquished; and the

armies levied for the future came to be compoſed entirely of mercenaries.

The introduction of mercenary forces was, in different reſpects, attended with very different, and even oppoſite conſequences. It occaſioned an immenſe addition to the former expences of government; and, in proportion, rendered the king more dependent upon that power which had the diſpoſal of the public money. As he could execute no enterprize of importance without obtaining from parliament an adequate ſupply, he was under the neceſſity of procuring the concurrence of that aſſembly in almoſt all his meaſures; and when money was wanted, he could ſeldom find a decent pretence for refuſing a redreſs of grievances, or any other compliance which either houſe might require as the condition of the grant. The houſe of commons, in which it was underſtood that all money-bills muſt originate, ſtood forward on ſuch occaſions, and availed itſelf of this privilege for guarding thoſe avenues of the conſtitution which the inexperience or negligence of the former times had left open to the attacks of the crown.

The changes in the military ſyſtem had, in another

another view, a tendency to aggrandize the monarch. An army levied and maintained by the crown, ſeparated by their employment from the reſt of the community, and alienated from the intereſt and purſuits of their fellow-citizens, deriving not only their preſent ſubſiſtence, but all their hopes of preferment from the ſovereign, accuſtomed to obey his orders, and, by the peculiar ſpirit of their profeſſion, taught to place their punctilio of honour and duty in the implicit ſtrictneſs of that obedience: a body of men ſo circumſtanced became a powerful inſtrument in the hands of a maſter, ready to be moved at pleaſure in the execution of his deſigns. The employment of mercenary troops, in place of the ancient feudal militia, had thus a tendency to exalt the crown in two different ways. In the firſt place, by affording a beneficial and reputable profeſſion to a multitude of people, it held up to a great proportion of the inhabitants, in particular to the nobility and gentry, who conſider themſelves as excluded from many other profeſſions, the proſpect of attaining a proviſion, and even rank and diſtinction, to themſelves and their families. It inſtilled in-

to all theſe perſons the habit of looking invariably to the ſovereign as the diſpenſer of thoſe advantages, and conſequently diſpoſed them to adhere to his party in all political diſputes, and to diſtinguiſh themſelves by their exertions in ſupport of the prerogative.

But, ſecondly, this new ſyſtem of national defence furniſhed the king with an armed force, which he might commonly govern at his diſcretion, and which, therefore, if raiſed to a certain magnitude, might be capable of bearing down and cruſhing all reſiſtance or oppoſition to his will. The introduction of mercenaries, which, from ſimilar cauſes, took place over a great part of Europe, was the more likely to be attended with this fatal conſequence; becauſe, in the natural courſe of things, they were ſoon converted into regular ſtanding armies. When a body of troops had been enliſted, and properly diſciplined for war, it was thought a prudent meaſure to retain, if not the whole, at leaſt a part of them even in time of peace, that the country might not be left totally defenceleſs; and that, with the aſſiſtance of thoſe veterans, the new levies might the ſooner be fitted for ſervice. The farther the

improve-

improvements of military diſcipline had been puſhed, the more difficult it became, from the progreſs of trade, to recruit the army upon any ſudden emergency; and the more that princes, from their ſituation, found an intereſt in being conſtantly prepared for war, the number of ſtanding forces, in particular countries, was increaſed; the trade of a ſoldier was more ſeparated from every other, and rendered more permanent; and the great body of the people, unarmed and unwarlike, were conſequently reduced under the power of that formidable claſs who had come to be conſtantly and excluſively paid for fighting.

In England, therefore, as well as in the other European countries which had made conſiderable progreſs in arts and manufactures, we may diſcover the operation of two principles which had an oppoſite political tendency; the independence and opulence acquired by the lower claſſes of the people, which tended to produce a popular government; and the introduction of mercenary armies for the purpoſe of national defence, which contributed to extend and ſupport the power of the crown. This gave riſe, unavoidably, to a conteſt be-

tween the king and the people; while the former was endeavouring to extend his prerogative, and the latter to maintain or augment their privileges. In tracing the commencement and progreſs of this conteſt, which forms an intereſting and critical period in the hiſtory of thoſe countries, it will be found that the ſucceſs of either party has frequently depended upon peculiar and accidental circumſtances*.

In moſt of the countries of Europe, the practice of hiring troops was begun at an earlier period than in England, and was puſhed to a much greater extent. The kingdoms upon the continent were greatly expoſed to the attacks of neighbouring powers; and in thoſe diſorderly times, when every ambitious prince aimed at foreign conqueſt, were obliged to be conſtantly in a poſture of defence; ſo that when the vaſſals of the crown began to decline the military ſervice, there was an abſolute neceſſity to ſurmount every difficulty in procuring a great body of mercenaries. Thus, before the ſpirit of liberty had riſen to a high pitch, the

* This point I had formerly occaſion to conſider in a treatiſe upon "The Origin of the Diſtinction of Ranks."

the king had obtained an army devoted to his intereſt, and eaſily diverted from its original deſtination, to that of ſupporting and enlarging his power.

We accordingly find, that, upon the continent of Europe, the diſuſe of the feudal militia, and the formation of mercenary armies, enabled the ſovereign, in moſt caſes, to eſtabliſh a deſpotical government. This happened in France during the reign of Louis the Thirteenth, and in Spain during that of Philip the Second. In Germany, indeed, the independence of the different ſtates of the empire had, long before this period, been ſettled upon ſo firm a baſis, that every attempt of the crown to reduce them to ſubjection proved ineffectual. But the vigorous efforts which were made for this purpoſe by the emperor Ferdinand the Second, ſufficiently demonſtrate that the new ſyſtem of military arrangements, introduced about this time by the monarch, had the ſame tendency here as in the other European kingdoms.

The circumſtances of Britain, however, at this critical period, were a good deal different from thoſe of the countries upon the neigh-

bouring continent. By the union of the crowns of England and Scotland, an entire ſtop was put to the inroads and hoſtilities between the two countries; which, at the ſame time, from their inſular ſituation, were little expoſed to the attacks of any foreign potentate. When the vaſſals of the crown, therefore, had withdrawn their ancient military ſervice, there was no immediate neceſſity for employing any conſiderable body of mercenary ſoldiers. The defence of the country was devolved, in a great meaſure, upon its navy; which, without much difficulty, could be rendered fully ſufficient for the purpoſe. By the maritime ſituation, and the commercial improvements of Britain, a great part of its inhabitants, becoming acquainted with the navigation and the arts depending upon it, formed a body of ſailors capable of manning ſuch fleets as might be neceſſary to repel any foreign invaſion, and requiring little additional diſcipline or inſtruction to fit them for that ſpecies of military ſervice.

The ſea and the land forces may, both of them, no doubt, be properly ranked in the claſs of mercenaries; yet, when we conſider

their

their tendency to ſupport the authority of the crown, they muſt be viewed in a different light. The ſoldiers of a land army have uſually no other employment, or at leaſt none which, upon being diſbanded, they can exerciſe with equal advantage. But the ſailors of the royal navy are uſually drawn, and often dragged by force, from the merchant ſervice; to which, being leſs hazardous, and commonly more lucrative, a great part of them are deſirous of returning. The officers, indeed, in the ſea and in the land ſervice, are nearly in the ſame ſituation, depending entirely upon the crown for their profeſſional advancement; and having no other employment from which they can expect either diſtinction or emolument. But the great body of the ſailors, in the pay of government, are ſomewhat in the condition of common mechanics; deriving ſubſiſtence from their labour and ſkill; and ſecure, that whenever they ſhall be diſmiſſed from their preſent ſervice, their proficiency in a collateral branch will afford them a comfortable livelihood.

Though ſea-faring people, by being peculiarly diſtinguiſhed from the reſt of the community,

munity, are uſually animated with an uncommon degree of the *eſprit du corps*, they are not fitted, either by their ſituation or diſpoſitions, to act as the tools of a court in ſupporting the encroachments of the prerogative. From their precarious way of life, expoſing them to great and unexpected viciſſitudes; exempting them at ſome times from all care for their own proviſion, and at others producing ſuch affluence as tempts them to extraordinary diſſipation, they become thoughtleſs about futurity, and little impreſſed by motives of intereſt. Their diſintereſted character, joined to their want of reflection, and habitual contempt of danger, creates a ſpirit of independence bordering upon licentiouſneſs, from which they are with difficulty recalled to the obedience and ſubmiſſion conſiſtent with their duty. The fleets in the ſervice of the crown are, beſides, at too great a diſtance, and their operations of too peculiar a nature, to admit of their being employed occaſionally in quelling inſurrections at home, or in checking the efforts of the people to maintain their privileges. They are confined to a different element.

From

From theſe obſervations it will not appear ſurpriſing that the fate of the Engliſh government was different from that of moſt of the other feudal governments upon the continent. At the period when the commons had imbibed a higher ſpirit of liberty, and acquired an increaſe of power and influence from the increaſing opulence and independence of the people, the ſovereign was not provided with an army ſufficient to maintain his pretenſions. James the Firſt, and Charles the Firſt, appear to have embraced the ſame political principles with moſt of the other princes of Europe. They ſaw the abſolute power of the crown exerciſed in the neighbouring kingdoms, and were not willing to be left behind by their neighbours. But the ſecure and peaceable ſtate of their dominions afforded no plauſible pretence for the impoſition of ſuch taxes as would have been requiſite for keeping on foot a great body of mercenary troops; and parliament, alarmed at the unuſual demands of money, upon the part of the crown, became proportionably circumſpect in granting even the moſt moderate ſupplies. To accompliſh their purpoſe, thoſe monarchs, in the extreme

extreme perplexity ariſing from their circumſtances, were induced to practiſe a variety of ſhifts, and to carry on a train of diſſimulation very unbecoming their ſtation; but having no ſufficient military force to ſupport their claims, *they were laid under the neceſſity of making* ſuch conceſſions, and of permitting the erection of ſuch barriers againſt oppreſſion, as the awakened ſuſpicion and jealouſy of the nation thought indiſpenſable for ſecuring the ancient conſtitution, and reſtraining the future abuſes of the prerogative.

The ocean with which Britain is encompaſſed, had thus, at two different periods, a powerful and happy influence upon the courſe of the Engliſh government. During the higheſt exultation of the feudal monarchy in modern Europe, the ſafety which England derived from its inſular ſituation, and its remote connection with the diſputes and quarrels upon the continent, gave the ſovereign, as was obſerved upon the early part of our Hiſtory, few opportunities of acting as the general of the national forces; and, conſequently, of acquiring the popularity and authority which reſult from that eminent ſtation. As the great feudal

dal ſuperior in the kingdom, he became, therefore, leſs abſolute than the ſovereign in any of the great nations upon the continent. When, in a later age, the improvements of commerce and manufactures dried up the ancient ſources of the feudal dominion, and turned the courſe of authority into different channels, the ſame line of ſeparation between Britain and the neighbouring countries withheld, from the ſovereign of the former, that new ſyſtem of military arrangement which was then introduced into the latter, and which in them became the great inſtrument of deſpotiſm. The *feudal king* of England ſaw no other path to greatneſs than by undermining the ariſtocracy; and was willing to barter the exaltation of the lower, for the depreſſion of the higher claſſes. Her *commercial ſovereign* found that he was unable to ſet bounds to thoſe liberties, which his predeceſſors had endeavoured to promote, and was thence induced, though with infinite reluctance, to compound the diſputes with his people, and to relinquish a part of his prerogative in order to retain the rest.

CHAP.

CHAP. III.

IN WHAT MANNER THE POLITICAL SYSTEM WAS AFFECTED BY THE STATE OF RELIGIOUS OPINIONS.

IN thoſe European countries which embraced the doctrines of the reformation, religious diſputes continued for ſome time to agitate the minds of men; and the different ſects which became prevalent, or obtained conſideration, were allied with different parties in the ſtate. The latter, in ſuch caſes, derived a prodigious advantage from the former, being ſupported by that zeal which religion is wont to inſpire, and by that animoſity which is often the bitter fruit of religious contention.

With thoſe who endeavoured to pull down the fabric of ſuperſtition and eccleſiaſtical tyranny, erected in the dark ages, it was one of the firſt objects to withdraw that exorbitant power which the Roman pontiff, as the head of the weſtern church, had found the means of uſurping. It required but little reflection to diſcover

diſcover the inconvenience and abſurdity of a foreign prince being permitted to obtain the ſuperintendence and government of religion, in a country whoſe intereſt was not only different, but frequently oppoſite to that of his own dominions; that he ſhould be allowed to interfere in the diſtribution of juſtice, as well as in the diſpoſal of the moſt lucrative offices; and that he ſhould exerciſe theſe privileges without limitation or controul, and by virtue of an authority paramount and ſuperior to that of the civil magiſtrate. In England, the private controverſy in which Henry the Eighth was engaged with the court of Rome, led him to view this point in a ſtrong light; and the delivery of himſelf and his kingdom from the dominion of the holy ſee, together with the gratification of his avarice, by acquiring poſſeſſion of the monaſtic revenues, may be regarded as the ſole purpoſe for which he proſecuted the reformation. So great was the authority poſſeſſed by this monarch, and ſo much afraid was either religious party of puſhing him to extremities, that the new ſyſtem came, in a great meaſure, to be modelled by his direction; and, upon this account, it retained a

greater affinity to the ancient eſtabliſhment than could otherwiſe have been expected. The papal ſupremacy was not extinguiſhed, but only transferred to the king; and in other reſpects, the hierarchy ſuffered no material variation.

This plan of church government, which Henry had laboured with all his might to eſtabliſh, was far from being diſagreeable to the temper of Elizabeth; and though not perfectly ſuitable to the inclination of all that part of her ſubjects who favoured the reformation, yet, being patroniſed by the ſovereign, and having obtained the ſanction of two preceding reigns, it was conſidered as the ſyſtem moſt likely to prevail over the ancient eſtabliſhment, and was therefore admitted without oppoſition by every denomination of proteſtants.

Two great religious parties, at this time, divided the whole nation; the Proteſtants and the Roman Catholics: the former, who, by undaunted reſolution and fortitude, and with various ſucceſs encountering ſevere trials and bloody perſecutions, had at length obtained a decided ſuperiority. The latter, who, though defeated, were not broken; and who, though they

they had quitted the open field, were ſtill powerful in number, connections, and reſources, and were only lying in wait for the firſt favourable opportunity to retrieve their fortune. Theſe two parties were animated by mutual hatred and reſentments. The oppreſſion to which the Proteſtants had been ſubjected, and the barbarities which at the inſtigation of the church, they had ſuffered from the ſecular arm, were ſtill freſh in their memory; while they dreaded the machinations of a party, with whoſe unrelenting diſpoſitions they were well acquainted, and whoſe activity and power, ſeconded by the papal influence and authority over a great part of Europe, were ſtill very formidable. The Roman Catholics, on the other hand, could not eaſily forget the mortifying degradation which they had ſuffered; the complete overthrow of their faith and worſhip; the loſs of their ſplendid and lucrative eſtabliſhment; the inſolence and contempt of heretics, irritated by former bad uſage; and the hardſhips which they had reaſon to expect from adverſaries, now triumphant, and ſupported by the civil magiſtrate.

After the acceſſion of the houſe of Stuart, when the terror of popery began to ſubſide, the ſubordinate diſtinctions among Proteſtants were brought more into notice, and their chief differences of opinion gave riſe to different ſects. According as the terms of the eſtabliſhed religion had been limited and circumſcribed by the influence of the crown, the ſectaries became numerous and powerful. The tide of religious faith and worſhip, being turned from its natural courſe, and forced into an artificial channel, was the more likely to overflow its banks, and to find a paſſage in various collateral ſtreams and currents.

The preſbyterians, who had gained the aſcendancy in Scotland, were in England, about this period, the most numerous body of ſectaries. Their ſyſtem appears to have ariſen from a natural progreſſion of the ſame views and opinions by which the religious reformation had been originally ſuggeſted. They propoſed to correct the abuſes of the Roman Catholic church, and to guard againſt the undue influence and domination of the clergy, by the abolition of eccleſiaſtical dignities, by eſtabliſhing a perfect parity among churchmen,

by

by reſtricting them to very moderate livings, and by rejecting that pomp and pageantry of worſhip which is manifeſtly calculated to promote ſuperſtition, and to create in the people a blind veneration for their ſpiritual directors.

While the preſbyterians diſapproved of the ancient hierarchy, there aroſe another great ſect, who conſidered all eccleſiaſtical eſtabliſhments as incompatible with religious freedom. To this deſcription of religioniſts, the interference of government in favour of any one ſect, by maintaining its clergy at the public expence, appeared a kind of perſecution of every other, and an encroachment upon the rights of private judgment. As every man employs and pays his own phyſician or lawyer, it ſeemed to them equally proper and expedient that every one ſhould be left to chooſe his own religious inſtructor, and to beſtow upon him ſuch a reward for his labour as might be ſettled by an agreement between them. In this manner the clergy, it was thought, inſtead of acquiring an undue influence over the people, would become dependent upon them; and, like men in other profeſſions, prompted to exertion by a regard to their own intereſt, would commonly be ſucceſsful in pro-

portion to their abilities and good behaviour. The different modes of faith, as well as the forms of public worſhip, would thus be placed upon an equal and liberal footing; and the community at large being freed, in matters of religion, from the bias either of intereſt or of authority, would be encouraged to follow the dictates of reaſon and conſcience. The political advantages of ſuch a regulation were ſuppoſed to be not leſs conſpicuous. By the ſimple expedient of leaving the people at liberty to conduct their own religious concerns, the charge of levying taxes, or providing any permanent fund for the ſupport of the national religion, together with the hardſhip of obliging any part of the inhabitants to pay for maintaining the clergy of a different communion; not to mention the loſs that muſt be ſuſtained, in that caſe, if the eſtabliſhed paſtors are deſerted by their flock, and remain an uſeleſs load upon the public; all theſe inconveniences would be entirely avoided.

Such was the general ſyſtem of the *independents*; which, by a natural progreſs of reaſoning, ſeems to have grown up from that of the preſbyterians, as the latter was an obvious

extenſion

extenſion of the doctrines embraced by thoſe primitive reformers who continued the hierarchy. The Chriſtian religion had been reduced into a monopoly, under the authority of a governor, with extenſive territories and numerous forts commanded by regular officers to defend the trade and prevent interlopers. For correcting the evils which had ariſen from ſuch an oppreſſive eſtabliſhment, the firſt remedy went no farther than to caſhier the governor, to diſmiſs a number of uſeleſs and expenſive ſervants, and to cut off a multitude of pernicious excluſive privileges. To demoliſh the forts, to diſband their opulent and powerful commanding officers, and to ſtrip the corporation of its overgrown territorial poſſeſſions, appeared, upon further experience and reflection, an additional improvement. To diſſolve the company altogether, and to lay the trade entirely open, was at length ſuggeſted as the moſt effectual means for promoting laudable induſtry, for diſcouraging unfair practices, and for communicating an equal benefit to a whole people.

Theſe four religious parties, the Roman Catholic, the Church of England, the Preſby-

terian, the Independent, which comprehended nearly the whole nation, were led to embrace different political ſyſtems, and became allied to different parties in the State. The two firſt, in a political view, exhibited characters diametrically oppoſite to thoſe of the two laſt; and though differing in ſome reſpects from each other, their leading features were ſimilar.

The Roman catholic religion may be regarded as a deep-laid ſyſtem of ſuperſtition, which took a firmer hold of the human mind than any other that has appeared in the world. It was founded upon a more complicated and national theology than the rude ſyſtems of a former period; and gave riſe to a multiplicity of intereſting opinions and tenets, which exerciſed and frequently perplexed the pious believer, ſo as to lay him under the neceſſity of reſorting to the aid of a religious inſtructor for the regulation and direction of his faith. It repreſented the Deity as an omnipotent, but an auſtere and vindictive being, capable of anger and reſentment againſt thoſe who tranſgreſs his laws, and intending this world, not for the preſent comfort and ſatisfaction of his creatures,

creatures, but as a place of preparation for a future ſtate of eternal happineſs or miſery. As all men muſt be conſcious of great weakneſs and frailty, of not only deviating from the ſtandard of perfect virtue, but of being frequently ſtained with numberleſs vices, and even atrocious crimes, which excites ſelf-condemnation and remorſe, they could not fail, upon conceiving themſelves in the all-ſeeing eye of this impartial and ſevere Judge, to be covered with ſhame and confuſion, and overwhelmed with conſternation and terror. Under the impreſſion of theſe feelings, it was natural that they ſhould endeavour to procure conſolation from the intercourſe of ſome ghoſtly father whom they ſhould call upon to ſupplicate the offended Deity in their behalf, and whoſe advice and direction they ſhould eagerly ſolicit in attempting to atone for their tranſgreſſions, by ſubmitting to voluntary penances or mortifications, and by every expreſſion or demonſtration of humility and abaſement, of ſorrow and repentance. Theſe diſpoſitions and circumſtances of the people had produced a clergy, opulent and powerful beyond example, who had laboured to promote and regulate

that ſuperſtition which was the original foundation of their authority; and who, in their advancement to riches and dominion, had, like the officers of a regular army, fallen into a ſubordination of power and rank. The doctrines and the practical conduct inculcated by this clergy, were ſuch as might contribute moſt effectually to their own aggrandizement. The people were taught to believe in myſteries which their paſtors alone pretended to explain, to approach and worſhip the Supreme Being by ſuperſtitious rites and ceremonies, in which the clergy preſided, to diſcover to their ſpiritual inſtructor all their ſecret thoughts and actions, and, upon ſubmitting to the diſcipline preſcribed by the church in ſuch caſes, to receive from him abſolution and pardon for their ſins. In a word, the clergy were underſtood to have in their poſſeſſion the keys of heaven; in conſequence of which, the treaſures of the earth, and the hearts of mankind, were laid open to them.

In the exerciſe and extenſion of their power, they were ſupported, not only by their eccleſiaſtical leader, the Roman pontiff, but alſo by their temporal ſovereign, who, though on ſome occaſions

caſions he might quarrel with them for their encroachments upon his prerogative, had commonly an intereſt to promote their influence over the people; as they, on the other hand, from his having a great ſhare in the diſpoſal of their livings, were induced to employ that influence in promoting and maintaining his authority. Thus, between the great power of the crown and that of the church, both of which were the offspring of ignorance and prejudice, there aroſe a ſort of family compact, which being conſolidated by length of time and by mutual habits, proved no leſs advantageous to either party than it was inimical to the intereſt of the whole community.

Of all the ſyſtems of religion eſtabliſhed at the time of the reformation, the church of England approached the neareſt to that Roman catholick ſtock upon which it was engrafted. It rejected, indeed, many abſurd opinions adopted by the church of Rome, and, from the greater diffuſion of knowledge, it acquired a more limited influence over the minds of the people. But ſo far as its authority extended, its character and tendency were the ſame. Though its features were a little ſoftened, it preſented

preſented the ſame aſpect of ſuperſtition, the ſame pomp and parade of worſhip, the ſame dignitaries inveſted with juriſdiction and authority, the ſame opulence and ſplendour in the higher clergy, which tended to procure them conſideration and reſpect, the ſame train of ſubordination in the ranks and orders of churchmen, which united them in one compact body, and enabled them, in promoting their common intereſt, to act with unanimity and vigour.

The conſtitution of the church of England had even a ſtronger tendency than that of Rome to render its clergy devoted to the intereſt of the crown. They were more uniformly dependent upon the ſovereign; who, by the annihilation of the papal ſupremacy, became, without a rival, the acknowledged head of the church, and obtained the entire diſpoſal of the higher eccleſiaſtical dignities.

The preſbyterian and independent ſyſtems were of a different ſpirit and complexion. The adherents of the former, in correcting the errors and abuſes of the church of Rome, had acquired a degree of ardour and enthuſiaſm, which led them, in their acts of pub-

lic worſhip, to reject with indignation all forms and ceremonious obſervances, and to conſider their approaches to the Deity, by prayer and ſupplication, as a mere ſentimental intercourſe, calculated to demonſtrate and improve thoſe feelings of the heart which were due to their Creator. They regarded the functions of a clergyman, therefore, as of no further importance than to preſerve good order in the public exerciſe of religious worſhip, to inſpect the behaviour of the people under his care, and to inſtruct them in the great duties of morality and religion. It was conſiſtent with this moderate and rational eſtimation of the clerical character, that the clergy ſhould be moderately provided in livings, that they ſhould not be exalted one above another by any ſcale of dignities or juriſdiction, and that their authority, upon the whole, ſhould be inconſiderable. By their activity, indeed, and by their attention to the duties of their profeſſion, they were capable of gaining great influence and reſpect; but in order to do this, it was neceſſary that they ſhould recommend themſelves to the people rather than cultivate the patronage of men in power. They could,

could, therefore, be of little ſervice to the ſovereign in ſupporting his prerogative, and, of conſequence, had little to expect from his favour. On the contrary, as their intereſt and habits connected them with the populace, they entered with alacrity into the popular feelings and views, beheld with jealouſy and apprehenſion the lofty pretenſions of the crown, and ſounded throughout the kingdom the alarm of regal uſurpation.

As the ſyſtem of the independents proceeded a ſtep further than that of the preſbyterians, by declaring againſt all eccleſiaſtical eſtabliſhments, and rendering the proviſion of every religious inſtructor perfectly precarious, their clergy becoming ſtill more dependent upon their employers, were proportionably more intereſted in courting popular favour, and in ſtruggling for the extenſion of popular privileges.

The preſbyterians, as they approved of a permanent clergy, appointed and paid by the public, and poſſeſſed of a certain juriſdiction, ſo, in their political ſyſtem, they had no averſion to a hereditary monarch, inveſted with permanent civil powers, and ſuperintending all the ordinary

ordinary branches of executive government. But the independents, who held that the appointment of the clergy ſhould be left to the diſcretion of thoſe who thought proper to employ them, were led, in conſiſtency with this doctrine, to maintain that every civil officer, whether ſupreme or ſubordinate, ſhould likewiſe be elected by the community. The preſbyterians, therefore, were the friends of limited monarchy. The independents preferred a democratical conſtitution. The connection, however, between theſe religious and civil plans of government, though ſufficiently obvious, was not acknowledged, nor perhaps diſcovered all at once; but was gradually developed and brought to light, during the courſe of the long conteſt between the king and the commons. For ſome time after the eſtabliſhment of the reformation, the Roman catholics continued to be the object of hatred and reſentment to all denominations of proteſtants; but their diſpoſition to ſupport the prerogative did not eſcape the two firſt princes of the houſe of Stuart, who ſecretly favoured their intereſt, as much as they hated the preſbyterians and independents. Upon pretence of lenity to tender

conſciences, theſe two princes aſſumed the power of diſpenſing with the penal ſtatutes againſt *non-conformiſts*; but the real purpoſe of thoſe diſpenſations was apparent to all, and the nation felt equal alarm and indignation from conſidering thoſe exertions of the prerogative as no less direct and palpable violations of the conſtitution, than they were decided marks of predilection for a party, the apprehenſion of whoſe return into power ſtill continued to fill the nation with terror.

Of the two ſucceeding monarchs, Charles the Second, it is now known, was a concealed, as his brother, James the Second, was an avowed and bigoted Roman Catholic. The conſtant favour ſhewn by the four princes of the houſe of Stuart to the people of this perſuaſion, could not fail to procure for them returns of gratitude and affection, and to render them zealous defenders of the prerogative; as, on the other hand, the diſlike which thoſe princes invariably manifeſted to the preſbyterians and independents, contributed to ſtrengthen the political bias acquired by thoſe diſſenters, and to confirm the original principles by which they were attached to the popular cauſe.

But

But although the different religious parties in England were thus diſpoſed to embrace thoſe oppoſite political ſyſtems, their natural diſpoſitions, in this reſpect, were ſometimes warped and counteracted by peculiar circumſtances. For ſome time after the acceſſion of the houſe of Stuart, the terror of the reſtoration of popery, which had been inſpired into every deſcription of proteſtants, produced an extreme jealouſy of the king, on account of his marked and uniform partiality to the Roman catholics; and united the church of England with the diſſenters in oppoſing the deſigns of the crown. This was viſible through the whole reign of James the Firſt, and a conſiderable part of the reign of Charles the Firſt, during which the nation, excluſive of the Roman catholics, and a few intereſted courtiers, acted with wonderful unanimity in reſtraining the encroachments of the prerogative.

To form a proper notion of the effects ariſing from this union, we muſt conſider the ſtate of religious differences in thoſe times. How inconſiſtent ſoever it may ſeem with the genuine principles of religious reformation, the primitive reformers, of every denomination, were

were no leſs deſtitute than the Roman catholics, of that liberality of ſentiment which teaches men to indulge their neighbours in the ſame freedom of opinion which they claim to themſelves. They were, all of them, ſo highly impregnated with a ſpirit of bigotry and fanaticiſm as to regard any remarkable deviation from their own tenets in the light of a damnable error, which ought, by every poſſible means, to be corrected or ſuppreſſed; and for the attainment of this object, they were eaſily excited to brave every danger, and to ſubmit to any inconvenience or hardſhip. Their interference, therefore, was always formidable to the civil power, and became frequently the chief cauſe of revolutions in government. At a ſubſequent period, the harſhneſs and aſperity attending the firſt exuberant growth of religious differences, have been gradually mellowed and ſoftened in their progreſs to maturity; and the prejudices contracted in the dawn of philoſophy, have been diſſipated by the fuller light of ſcience and literature, and by that cool and diſpaſſionate inquiry which is the natural fruit of leiſure, tranquillity and affluence. It may, perhaps, be conſidered as the ſtrongeſt proof of

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those intellectual improvements which mankind have attained in the present age, that we have beheld the most astonishing political changes, to which religion has in no respect contributed, and which have been regarded by the ministers of the altar in no other light but that of pecuniary interest.

In the latter part of the reign of Charles the First, the disputes between the king and the commons began to assume a different aspect. The apprehensions which were so long entertained of the Romish religion, had then, in a good measure, subsided; and the public attention was engrossed by the arbitrary measures of the crown, which produced a very general opinion, that certain precautions were necessary for guarding against the future encroachments of the prerogative. Here the church of England appeared to follow her natural propensity, and her clergy almost universally deserted the popular standard. The presbyterians and the independents, on the other hand, stood forward as the supporters of the national privileges; and while they became powerful auxiliaries to the

cause of liberty, they derived a great accession of strength and reputation from the general tide of political opinions.

Of those two sects, the presbyterians were, for some time, the most powerful, and by their exertions, in conformity to their views of government, many regulations, calculated for securing a limited monarchy, were successively introduced. But the progress of the contest, by holding the minds of men in continual agitation, contributed to push the people to greater extremities, both in religion and politics; in religion, by overthrowing all religious establishments; and in politics, by the entire abolition of regal authority. Such was the aim of the independents, who at length became the ruling party, but who, falling under the direction of an extraordinary genius, utterly devoid of all principle, were made, in his hands, an instrument for the destruction of the monarchy, for the purpose of introducing an odious species of despotism. Had Cromwell possessed less enterprize and abilities, the crown would have been preserved: had his ambi-

ambition been better directed, England, which under his authority assumed the name of a commonwealth, might have, in reality, obtained a popular government.

The restoration of Charles the Second, gave rise to new religious combinations. The church of England, having now recovered her former establishment, could not fail to entertain a violent jealousy of those dissenters by whom her power had been overturned; and she was led, of course, to co-operate with the Roman catholics, in promoting the arbitrary designs of the monarch. The cry of *church and king*, and the alarm, that *the church was in danger*, were now sounded throughout the nation, and were employed on every critical emergency, to discredit all endeavours for securing the rights of the people.

The barefaced attempt of the infatuated James the Second, to re-establish the Roman catholic religion in England, tended once more to break down these arrangements, and to produce a concert, between the leading men in the church and the protestant dissenters, for the purpose of

resisting the unconstitutional measures of the king. As this concert, however, had arisen from the immediate fear of popery, it remained no longer than while that fear was kept alive; and accordingly the revolution in 1688 was hardly completed, before these loyal ecclesiastics began to disclaim the part they had acted, and returned with fresh ardour to their congenial doctrines of passive obedience and non-resistance.

CHAP. IV.

Progress of the Disputes between the King and Parliament, during the Reigns of James the First, and of Charles the First.

THE long contest between the king and parliament, under the two first princes of the Stewart family, forms a very interesting part of the English history; and its origin and consequences deserve the most attentive examination. The object in dispute was no less than to determine and establish the political constitution of a great nation; and the agitation produced by so important a controversy could not fail to rouse the passions of men, to call forth and display their most eminent characters, and to develope those combinations and occurrences which tended to facilitate or to obstruct the improvement of civil society. We are not, however, to imagine that, from the beginning to the end of this contest, the same line of conduct was invariably pursued by

either of the parties. They were sometimes actuated by the feelings of the moment; changed their ground, according to the alteration of times and circumstances; and varied their measures, according to the character and views of those individuals by whom they were occasionally directed. To distinguish the most remarkable of these variations, the whole period under consideration may be divided into three branches: the first extending from the accession of James to the meeting of the long parliament, as it is called, in the year 1640; the second, from the meeting of the long parliament to the commencement of the civil war; the third, from thence to the death of Charles the First.

SEC-

SECTION I.

THE REIGN OF JAMES THE FIRST; AND THAT OF CHARLES THE FIRST, FROM HIS ACCESSION TO THE MEETING OF THE LONG PARLIAMENT.

THE behaviour of James the First, after he obtained the crown of England, might seem surprising to those who remembered his former circumstances, and who beheld the sudden and remarkable change of his fortune. Born and brought up amid civil dissentions; surrounded by nobles, many of whom possessed a power little inferior to his own; exposed to numerous plots, by which his life was endangered, or which tended to lay a restraint upon his person, and under his name, to convey the exercise of government to his rebellious subjects; in such a situation he received his political education, and his early habits were formed. But no sooner was he seated upon the Eng-

lish throne, than he began to hold a language, and to discover pretensions, that would have suited the most absolute monarch upon the face of the globe. There is, however, in reality, nothing uncommon or singular in this appearance. None are so likely to abuse their power as those who have recently obtained it; none so apt to be guilty of extravagant profusion, as those who have suddenly been raised from poverty to great riches; whether it be, that they are intoxicated by the novelty of their situation; or, from a consciousness of their former inferiority, are jealous, lest they should not appear with sufficient dignity in their new station.

Though, in his private deportment, James had no tincture of arrogance or superciliousness, he set no bounds to his authority as a king. He found that the aristocracy, by which he had been so much harassed in Scotland, was reduced in England from a state of rivalship to that of subordination and dependence; but he overlooked the influence and rank which had at the same time been acquired by the great body

body of the people. He saw that the sovereigns in the principal European kingdoms, exercised an arbitrary and despotical power; and, without examining the means by which it had been acquired, or the circumstances by which it was maintained, he seems to have thought that, from the extent and opulence of his own dominions, he was entitled to follow their example. In public as well as in private, in his letters and speeches to parliament, and in his ordinary conversation, the divine, hereditary, indefeasible right of kings to govern their subjects without controul, was always a favourite topic. This was the fundamental principle of that *kingcraft*, to which, as he frequently declared, he had served so long an apprenticeship, and which therefore he pretended fully to understand. That his prerogative was absolute and unlimited; that the concurrence of parliament was not necessary in any of the acts of government; and that all the privileges of the people, were mere voluntary concessions made by his ancestors, which he might revoke at pleasure; these were propositions which

he

he not only maintained, but which he would not suffer to be questioned. "As "to dispute," said he, "what God may "do, is blasphemy; so it is sedition to "dispute what a king may do in the height "of his power." Even the judges, when called upon, in the execution of their duty, to decide between the king and the people, were prohibited from canvassing the rights of the crown. "Deal not," says his majesty, "in difficult questions, before you "consult with the king and council, for "fear of wounding the king through the "sides of a private person. The absolute "prerogative of the crown is no subject "for the tongue of a lawyer, nor is it lawful to be disputed*."

We may easily suppose, that the same principles and doctrines which were thus openly avowed by the sovereign, were propagated at court, and embraced by all who wished to procure the royal favour and patronage. "When Waller, the poet, was "young, he had the curiosity to go to "court; and he stood in the circle and

* King James's Works.

"saw

" saw James dine; where, among other " company, there sat at table two bishops, " Neile and Andrews. The king proposed " aloud this question, whether he might " not take his subjects' money, when he " needed it, without all this formality of " parliament? Neile replied, *God forbid* " *you should not; for you are the breath of* " *our nostrils.* Andrews declined answer- " ing, and said he was not skilled in par- " liamentary cases; but upon the king's " urging him, and saying he would admit " of no evasion, the bishop replied plea- " santly; why then I think your majesty " may lawfully take my brother Neile's " money, for he offers it*."

That writers were easily found to inculcate similar doctrines, cannot be doubted. In the books published by Cowel and Blackwood, it was roundly asserted, that from the Norman conquest, the English government had been an absolute monarchy; that the king was not bound by the laws, or by his coronation oath; and that, independent

* Hume's History of England.

of

of parliament, he possessed the power of legislation, and that of imposing taxes.

Widely different from this was the idea of the constitution entertained by the house of commons. They considered it as a mixed form of government, in which the king was merely the chief executive officer, and in which the legislative power, together with that of taxation, was vested in parliament. So far from admitting the king to be above the laws, or his being entitled to change the form of government at pleasure, they looked upon him as only the guardian and protector of the constitution; placed in that high station, not for his own benefit, but in order to promote the happiness and prosperity of his people. They well knew, that at no period of the English history was the sovereign ever possessed of an unlimited authority; that, in the latter part of the Anglo-Saxon government, and under the princes of the Norman and Plantagenet race, the chief power was in the hands of the nobility, or great proprietors of land; and that, when the advancement of manufactures and of agriculture,

culture, in the reigns of the Tudor princes, had contributed to dismember the estates, and to diminish the influence of the nobles, the same change of circumstances tended to advance the middling and lower classes of the people, and to bestow proportional weight and authority upon that branch of parliament composed of the national representatives. Between the decline of the nobility and the exaltation of the people, there had indeed occurred an interval, during which the monarch had endeavoured to extend his prerogative; but his endeavours had met with constant opposition, and had proved ineffectual for destroying the fundamental privileges of parliament, or subverting, in any degree, the ancient fabric of the constitution. Nothing could betray more gross ignorance and misinformation, than to believe that the crown of England was enjoyed by a divine, indefeasible, hereditary right; for nothing is more certain, than that, had it been transmitted upon that principle, it never could have devolved upon the house of Stewart; and that the lineal succession of the English royal family was frequently

frequently broken, in some cases by occasional usurpation, in others by the interposition of the national council. By an act of the legislature, in the reign of queen Elizabeth, it is declared to be high treason for any person to assert that parliament has no right to vary and settle the succession to the crown.

Fortunately the talents of James were ill-suited to the task of subverting the ancient government. Whatever might be his abilities as a scholar, or his proficiency in the literature of the times, his understanding and discernment in the conduct of life were greatly below mediocrity. Nature had formed him for a pedagogue, and intended he should wield no better instrument than a birch. Possessed with the lofty idea of absolute monarchy in church and state, he seems to have thought that, by mere dint of argument, he could persuade the English nation to become slaves; and he provided no ultimate resources for carrying his design into execution. Mean and contemptible in his amusements and pleasures, weak and childish in his affections, his behaviour,

behaviour, upon ordinary occasions, was not only unbecoming the dignity of a king, but inconsistent with common decorum and propriety. Though obstinate and conceited, he was highly susceptible of flattery; and though not exempted from avarice, he was profuse in his expences, and extravagantly liberal to his favourites. These were commonly chosen from a regard to their beauty of person; and as they gained an entire ascendancy over him, their incapacity and profligacy, joined to his own folly and arbitrary views, rendered his government equally odious and ridiculous.

One of the chief sources of dispute, after the accession of James the First, was the money required for supplying the exigencies of the sovereign. Many circumstances, independent of the bad economy of the prince, contributed to render this an object of much greater magnitude than it had formerly been. The difficulties in which Elizabeth, from her peculiar situation, was involved, had obliged her to alienate a great proportion of the ancient revenue of the

the crown. The increase, on the other hand, of the quantity of the precious metals, since the discovery of America, had debased that part of the ancient crown revenue which was payable in money; while the influx of national wealth, from the advancement of trade and manufactures, by increasing the expence of living to each individual, had also augmented charges attending the administration of government. The demands of the crown were thus daily increasing, at such a rate as to render its old patrimony more and more insignificant, and to give room for expecting that the chief part of the public revenue was for the future to be derived from the taxes imposed on the people. So new, and so disagreeable a prospect, excited alarm and discontent throughout the nation. As the public supplies granted in former periods were inconsiderable, and took place only in extraordinary cases, it was of little consequence how the money was bestowed; but now, when the ordinary funds of the crown were shrunk almost to nothing, and when the executive

executive power was, in a great measure, to be maintained by extraordinary contributions, creating a permanent burden upon the nation, it behoved the parliament, and in particular it was the duty of the lower house, entrusted with the guardianship of the people, to watch over the rising demands of the sovereign, and to be cautious of introducing such precedents of taxation as might be hurtful to the community.

The religious divisions of the kingdom became another source of alarm and jealousy, and the occasion of many disputes between the king and parliament. The adherents of the Romish religion, who still were numerous and opulent, regarded the protestants, not only with the abhorrence produced by the most violent opposition of theological tenets, but with the rage and resentment of a losing party against those who had stript them of their ancient power, dignity, and emoluments. Of this the gunpowder conspiracy, formed by persons of some rank, and who had formerly borne respectable characters, affords a shocking, and a singular proof.

Had the Roman catholics in England been merely a branch of the sectaries, depending upon their own efforts for procuring influence and popularity, it must be admitted, that from the spirit now diffused over the kingdom, the terrors of the growth of popery would have been entirely groundless. But the influence and power of that party were, at this time, regarded in a different light. The Roman catholics in England were zealously supported by those of the same persuasion in all the countries of Europe; and the restoration of popery in this kingdom was one of the great objects, not only of the Roman pontiff, but of all the princes who acknowledged his jurisdiction. For this end, no pains nor expence had been spared. Seminaries for the education of the English youth in the principles of that religion were established in different parts of Europe; secret emissaries were spread over England, and insinuated themselves among the religionists of every sect and description; and pecuniary, as well as other advantages, were held out in order to make proselytes, or to confirm

confirm and encourage the friends of the party. In such a situation, it is not surprising that, from the remembrance of their former power, and the experience of their tyranny and virulence, they should have excited a national apprehension, and that it should have been deemed a salutary regulation to exclude them from offices of trust and consequence.

The king, however, from causes which have already been explained, discovered a disposition to favour and indulge the Roman catholics, declaring, that if they would renounce their peculiar subjection to the authority of the Pope, they ought to be admitted to the same privileges with the members of the church of England; but he was far from holding the same liberal opinion with respect to the protestant dissenters, who, about this time, on account of their pretensions to austerity of manners, came to be distinguished by the name of puritans *.

These two articles, therefore, the obtain-

* See Rapin's History of England.

ing supplies, and the enforcing the penal laws against the Roman catholics, were, during the reign of James the First, continual subjects of contention between the king and parliament.

In calling his first parliament, an attempt was made by James to over-rule the elections of the commons, which, had it proved successful, would have rendered that house entirely subservient to the will of the king. He issued a proclamation, declaring what particular descriptions of persons were incapable of being elected, and denouncing severe penalties upon such as transgressed the rules which he had prescribed. Sir Francis Goodwin having been elected member for the county of Buckingham, it was pretended that his election was void according to that proclamation; and the question being brought before the court of chancery, his seat was vacated. The county, upon this, proceeded to choose another representative; but the commons paid no regard to that sentence, and declared Sir Francis the member duly elected. They justly considered themselves as having the sole

sole right to determine the validity of the elections of their own members; a privilege essentially requisite to secure the independence of their house. Sensible of its importance, they resolutely maintained this constitutional point, and James, having urged them to a conference with the peers, and afterwards demanded in a peremptory tone that they would consult his judges, it was at last agreed, by a species of compromise, that both competitors should be set aside, and a writ issued for a new election*.

In

* In a remonstrance to the king, the commons assert, "That, until the reign of Henry the Fourth, all "parliament writs were returnable into parliament; and "that though chancery was directed to receive returns, "this was only to keep them for parliament, but not to "judge in them." They conclude with observing, "that the inconvenience would be great, if the chancery "might, upon *suggestions* or *sheriff's returns*, send writs for "new elections, and those not subject to examination in "parliament. For so, when fit men were chosen by the "counties and boroughs, the Lord Chancellor, or the "sheriffs, might displace them, and send out new writs "until some were chosen to their liking; a thing dan-"gerous in precedent for the time to come. Howsoever," say they, "we rest securely from it at present, by the

In this parliament, which first met in the year 1604, and was continued through five different sessions to the year 1610, the sums demanded by the king were several times refused by the commons; who repeatedly, but in vain, petitioned the throne to execute the penal statutes against popish recusants, and endeavoured to procure a relaxation of such as had been enacted against the protestant dissenters. As the monarch found so much difficulty in obtaining money from the national assembly, he employed other expedients for augmenting his revenue. The advancement of trade suggested the *customs*, as a growing fund, the profits of which, without exciting much attention, and without any application to parliament, might be gradually enlarged. By his own authority, therefore, he ventured to alter the rate of those burdens, and to impose higher duties upon various branches of merchandize than had been formerly exacted. The illegality of these exactions was indisputable; at the same time they

" now Lord Chancellor's integrity." Parliamentary History, vol. v.

created

created an apprehension the more universal, because, from the necessities of the crown, they were likely to be pushed to a far greater extent, and because they were plainly calculated to lay a foundation for claiming the general power of taxation as a branch of the prerogative. They gave rise, therefore, to violent debates in the house of commons, which, however, were cut short by a sudden dissolution of parliament.

There followed an interval of three years, in which the king endeavoured to supply his wants by the regal authority, and in which, among other contrivances for obtaining money, loans and benevolences were indirectly extorted from the people. But these expedients having proved insufficient, James, by the advice of his ministers, who undertook to manage the elections, was persuaded, in the year 1614, to make trial of a new parliament. The experiment was without success. In this house of commons there appeared such a spirit, as made it evident that no supplies could be obtained until the late abuses of the prerogative

should be corrected. With these terms the king was not willing to comply; upon which account this parliament, after sitting a few weeks, and without having finished any business whatever, was, like the former, suddenly dissolved, with strong marks of his anger and resentment; and several members of the house of commons, who had been the most active in opposing the measures of the court, were committed to prison *.

James had now resolved, it should seem, to call no more meetings of parliament; and in this resolution he persisted about seven years. But the loss of the Palatinate, from which his son-in-law, the elector, the great supporter of the protestant interest in Germany, was expelled, afforded him a plausible pretence for demanding parliamentary aid; and he again had recourse to that assembly in the year 1621. The measure proposed was highly popular throughout the nation; and parliament gave him two subsidies with the utmost alacrity; but finding, soon after, that the

* Wilson.—Hume.

money

money was diverted to other purposes, and most ineffectually and foolishly squandered away, they refused to give any more. The commons, in the mean time, proceeded, as formerly, to an examination of grievances; among which the favour shewn to the Roman catholics was the principal. The terrors of the nation on this head had been increased by two circumstances.

The first was the avowed intention of James to marry his son, the prince of Wales, to the Infanta of Spain; a measure which gave rise to universal apprehensions that it would be productive of dangerous concessions in favour of the Romish religion. The other was the apparent backwardness of the king to make any vigorous exertion for the recovery of the Palatinate, which was considered by the nation as the common cause of protestants. Upon these topics the house of commons took the liberty of presenting to the king a petition and remonstrance, which he regarded as an insult to the royal dignity. Enraged at their presumption, he commanded them not to interfere in these mysteries of government;

vernment; threatened them with punishment in case of disobedience, and reminded them that all their privileges were derived from the mere grace and permission of him and his ancestors. The commons were neither intimidated by those threats, nor disposed to acquiesce in such arrogant pretensions. They protested, "that the liberties, franchises, privileges, and jurisdictions of parliament are the ancient and undoubted birth-right and inheritance of the subjects of England; and that the defence of the realm, and of the Church of England, the maintenance and making of laws, and the redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of debate in parliament *." With this protestation the king was so incensed, that, at a meeting of the privy council, he tore it, with his own hands, from the journals of the commons; and having soon after dissolved the parliament, he threw into prison several members of the lower, and some also of the

* Parliamentary History.

upper

upper house. Among the former, Sir Edward Coke, and Sir Robert Philips, were committed to the Tower; Mr. Selden, Mr. Pym, and Mr. Mallory, to other prisons. Some, as a lighter punishment, were sent out of the kingdom, upon pretence of executing public business, which employments they were not permitted to refuse*.

In the fourth and last parliament of James, which was called in the year 1623, there occurred no dispute with the crown. The treaty with Spain, to which neither the influence of the national assembly, nor the voice of the people, could produce the least interruption, was at length broken off by the caprice of his favourite, Buckingham; and as this occasioned a war with which the nation was highly satisfied until the real ground of the quarrel was discovered, the king found no difficulty in procuring the necessary supplies.

Besides the two leading articles abovementioned, there were other subjects of importance which attracted the notice of par-

* Parliamentary History.

liament,

liament, and became the ground of controversy.

The king, as the superior of trading towns, and the patron of their commerce and manufactures, had early assumed the power of creating royal boroughs, and of erecting, in each of those communities, inferior corporations of particular trades. By an easy transition, he had thence been led to grant, in particular branches of trade, exclusive privileges to individuals, or to trading companies. These monopolies, in the infancy of trade, had been accounted necessary, or at least beneficial, for carrying on extensive and hazardous undertakings; but, in proportion to the advancement of commerce, such extraordinary encouragements, from the increase of mercantile capitals, became less needful; at the same time that they were found more inconvenient, by narrowing the field of free competition among traders. The king was, besides, under the temptation of abusing his power of granting these monopolies, by bestowing them for money, or obtaining a share in the profit of the trade which they were

were intended to encourage. Complaints of such abuses had been made in the reign of queen Elizabeth; they became still more frequent in that of James, when the wants of the crown had left no expedient unattempted for procuring money; but at length, by the vigorous interposition of parliament, the sovereign was prevailed upon to limit the disposal of those grants, and several important regulations upon this point were introduced *.

From the manner in which the legislative business was conducted, a bill, being originally conceived in the form of a petition to the king, required the approbation of parliament before it could be presented to his majesty for the royal assent. Hence it became unusual, and was at length regarded as irregular, that the king should take notice of any bill, while it was depending before either house. At what time the uniformity of practice, in this respect, may be considered as having established an invariable rule in the constitution, it is

* Parliamentary History, vol. v. and vi.

difficult

difficult to determine; though it is clear that queen Elizabeth did not conceive herself to be precluded from stopping bills in parliament at any stage of their progress. In the year 1607, James objected to a petition laid before parliament concerning popish recusants; and it was insisted that the petition should not be read: to which it was answered, "that this would be a great "wound to the gravity and liberty of the "house." The speaker replied, "that "there may be many precedents in the "late queen's time, where she restrained "the house from meddling in petitions of "divers kinds." Upon this a committee was appointed, "to search and consider of "such precedents, as well of ancient as "of later times, which do concern any "messages from the sovereign magistrate, "king or queen of this realm, during the "time of parliament, touching petitions "offered to the house of commons." Two days thereafter, the petition, by the king's consent, was read; and the following declaration appears on the record: "*that his* "*majesty hath no meaning to infringe our* "*privi-*

" *privileges by any message; but that his de-*
" *sire is, we should enjoy them with all free-*
" *dom* *." It should seem that henceforward no monarch of England has ventured to dispute this privilege of parliament.

During the whole reign of James, the behaviour of the commons was calm, steady, and judicious, and does great honour to the integrity and abilities of those eminent patriots by whom the determinations of that assembly were chiefly directed. Their apprehensions concerning the prevalence of popery were, perhaps, greater than there was any good reason to entertain; but this proceeded from the prejudice of the times; and to judge fairly of the spirit with which, in this particular, the members of parliament were animated, we must make allowance for the age and country in which they lived, and for the occurrences which were still fresh in their memory. Though placed in circumstances that were new and criti-

* See the journals of the house of commons, on the 16th and 18th of June, 1607.

cal,

cal, though heated by a contest in which their dearest rights were at stake, and doubtless alarmed by the danger to which, from their perseverance in their duty, they were exposed, they seem to have kept at an equal distance from invading the prerogatives of the crown, and betraying the liberties of the people. They defended the ancient government with vigour; but they acted merely upon the defensive; and it will be difficult to shew that they advanced any one claim which was either illegal or unreasonable. The conduct of James, on the other hand, was an uniform system of tyranny, prosecuted according to the scale of his talents. In particular, his levying money without consent of parliament, his dispensing with the laws against popish recusants, and his imprisoning and punishing the members of parliament for declaring their opinions in the house, were manifest and atrocious violations of the constitution.

This last exertion of arbitrary power some authors have endeavoured to excuse, or palliate, by alleging that it was conformable

formable to the practice of queen Elizabeth. But the apology, such as it is, must be received with some limitations in point of fact; though in both cases the measure was arbitrary and violent, the grounds upon which it was adopted, by James and by Elizabeth, were widely different. Elizabeth imprisoned the members of the house of commons, because they proposed to abridge those powers which the crown indisputably possessed. If the crown was at liberty to interpose a negative upon bills before they had finished their progress in either house of parliament (and perhaps, in the days of Elizabeth, the contrary had not become an established rule) the behaviour of those members who, after the interposition of such negative, endeavoured to revive the debate, and to push on the business, might be considered as irregular, and as an invasion of the prerogative. The ultimate aim of Elizabeth was to prevent innovation, and to maintain the form of government transmitted by her ancestors, though the measures employed for that purpose could not be defended. But the

imprisonment of the members by James, was in support of a fixed resolution to overturn the constitution. This violent step was taken in the year 1614, because the commons refused to grant the supply which he demanded; and in the year 1621, because they had asserted that their privileges were their birth-right, and had remonstrated against the dispensing power exercised by the crown in favour of popish recusants. As they had an undoubted right to act in that manner, the king, when he punished them upon that account, cannot be regarded as defending his prerogative; his object was to deprive the commons of their most important privileges, and to convert the mixed government of England into a pure despotism.

The first fifteen years of the reign of Charles presented nearly the same view of political parties which had occurred in the reign of his father, and particularly the same objects of contention between the house of commons and the sovereign. Charles had thoroughly imbibed his father's arbitrary principles; at the same time that,

by

by greater steadiness and capacity, and by the superior gravity and decorum of his deportment, he was better qualified to effect his purposes. During the controversy in the former reign, both parties had become gradually more keen and determined; and, from greater experience, their measures had been rendered more systematic. They looked farther beyond the points in agitation, and were less actuated by their immediate feelings and passions, than by the consideration of distant consequences. In the original state of the controversy it appears that parliament, in demanding a rigorous execution of the laws against popish recusants, had been stimulated by the general apprehension concerning the growth of popery; and that the reluctance expressed by the king to comply with these demands, had proceeded from his belief of that religion being favourable to the exaltation of the crown, together with the views he had formed of marrying his son, the prince of Wales, to a Roman catholic princess. But in the reign of Charles, the parliament complained of

abuses committed by the crown, not so much from their own magnitude, as because they seemed parts of a regular system, and might afterwards become precedents of despotical power; and the king refused to reform these abuses, chiefly because he was unwilling to admit, that the redress of grievances might be extorted by parliament as the condition of granting supplies.

Money was wanted by Charles to carry on the war with Spain; and as this war had been a popular measure, and undertaken with consent of parliament, the king flattered himself that a liberal supply would readily be obtained. But several circumstances concurred to change, in this respect, the sentiments of the people, and to render them now averse from an undertaking which they had formerly embraced with general satisfaction. The rupture with Spain was at first beheld in England with universal joy and exultation, because it prevented the heir of the crown from marrying a Roman catholic princess; and because it produced an expectation that the king

king would be induced to join the protestant league in Germany. But the marriage of Charles to a daughter of the house of Bourbon, which happened soon after, demonstrated that, though James had varied his measures, his object was invariably the same; and that no regard to the religious apprehensions of his people, or to the preservation of public tranquillity, could divert him from his purpose of uniting the prince of Wales with a Roman catholic consort.

The marriage treaty with France contained even higher concessions to the English Roman catholics than had been proposed in the former stipulations with Spain. In particular, it provided that the children should be under the care and direction of their mother, and consequently might be educated in the Popish religion till the age of thirteen; though by the projected Spanish treaty, that maternal direction was limited to the age of ten. Whatever dangers, therefore, had been foreseen from the marriage with the infanta, these were

increased rather than diminished by the French alliance.

The blunders, too, which had been committed, the ignorance and incapacity displayed in the management of the war, contributed to cool the ardour of the people, and to disgust them with a measure which, under such directors, had so little the appearance of producing any good effect. They had even the mortification to observe, that one of the first fruits of the treaty with France was, the lending the ships of England to the French monarch, for the purpose of reducing his protestant subjects*; and that the English forces were thus employed in ruining that very cause which parliament, in advising the war, had intended to support.

The secret transactions which had occasioned the rupture with Spain, and which had now transpired, could not fail to co-operate with the foregoing circumstances, and to become a separate ground of dissatisfaction and distrust. The war

* Rushworth, i. 174.

with

with Spain was undertaken upon pretence of the insincerity and double-dealing of that court with relation to the marriage-treaty; and parliament had consented to this war in consequence of the strong and solemn representation to that purpose, given by Charles and the duke of Buckingham. But the real ground of the dispute was a private quarrel between that favourite and the count Olivarez, the Spanish minister; and the account which had been laid before parliament was an artful system of falsehood, calculated at once to take advantage of the national aversion from the Spanish alliance, and to rouse the public indignation and resentment for the unworthy treatment which their prince was understood to have suffered.

In a matter of this kind, however, the truth could not long be concealed. The arrogant and supercilious behaviour of Buckingham while in Spain, and the menaces which he had been vain enough to throw out against the Spanish minister, were not unknown to Bristol, the English ambassador, and to many other persons

who had an interest that the people of England should be undeceived. It appears from lord Clarendon, that king James knew the real state of the fact, at the very time when his son and the duke were imposing their fictitious narrative upon parliament *; and in the first year of the reign of Charles, we find hints thrown out in the house of commons, *that Buckingham had broken the Spanish match from spleen and malice to the count Olivarez* †.

It must have been highly mortifying to an English parliament, to find that they were made the dupes of a profligate minister, and had involved the nation in a war to gratify his vanity and resentment. They could, at the same time, have but little confidence in their present sovereign, who was implicitly governed by that minion, and who had shewn himself so unprincipled as to sacrifice his own honour to the wicked designs of his favourite.

Some authors have alleged as an apology

* History of the Rebellion, vol. i. p. 22.

† Rushworth's Collections.—Whitelock's Memorials.

for

for Charles, that he himself might be deceived, and that he might really believe the story told by his minister. But this it seems hardly possible to conceive. That prince must be supposed a perfect changling, not to have discovered the particulars of a quarrel which was known to the whole court of Spain, which by his peculiar situation he had so many opportunities of observing, and which Buckingham, under the immediate impressions of resentment, had been at no pains either to cover or disguise.

In these particular circumstances, it is not surprising that, upon the first meeting of parliament, in the reign of Charles, that assembly, though strongly urged to support a war undertaken by its own recommendation, should testify no great zeal in prosecuting the views of the monarch. After the house of commons had granted two subsidies, which Charles regarded as very inadequate to his necessities, they proceeded to examine the mismanagement of the revenue, and the unseasonable indulgence and favour

favour shewn by the crown to popish recusants*.

The principal transactions in the two first parliaments of Charles, present nearly the same general aspect of the controversy between the crown and the people, which had occurred in the reign of his father; the king eagerly demanding supplies; threatening that, unless his demands are complied with, he must have recourse to other methods of procuring money; and declaring that, as the existence of parliaments depends entirely upon his will, they must expect, according to their behaviour, either to be continued or laid aside. Parliament, on the other hand, with inflexible resolution, insisting upon the previous redress of grievances; its members imprisoned, and called to account for their behaviour in that assembly; repeated dissolutions of parliament for its perseverance in refusing to grant the sums demanded; and each dissolution followed by the arbitrary

* See Parliamentary History—Rushworth's Collections—Whitelock's Memorials.

exaction

exaction of loans and benevolences, and by such other expedients as the crown could put in practice for procuring money *.

The third parliament in this reign was called on account of the extraordinary expences and difficulties in which the king was involved by the war with France; a war occasioned partly by a misunderstanding between Charles and his queen, which had produced the dismission of all her French servants, and partly by the levity, the insolence, and the precipitate rashness of Buckingham †. The accumulation of abuses, in every department of regal authority, now filled the kingdom with indignation. To the same spirit which had animated the two preceding houses of commons, the members of this parliament joined an experience of the measures which the king had hitherto pursued; and as, from these, they could not fail to discern his deliberate purpose to establish an unlimited power in the crown, so they were determined, with firmness and unanimity,

* See Parliamentary History—Rushworth's Collections—Whitelock's Memorials. † Whitelock—Hume.

to

to stand forward in defence of their privileges. Through the whole of their proceedings we may observe a regular system, planned with consummate wisdom, and executed with equal steadiness and moderation. No menaces could shake them; no artifice could deceive their vigilance; no provocation could ruffle their temper, or make them forget either the dignity of their station, or the decency of expression which became subjects in addressing their sovereign.

The language held by the king, at the opening of this assembly, was lofty and imperious. He informed them, in direct terms, that "unless they did their duty in "contributing what the state required, he "would be obliged to use the other means "which God had put into his hands. He "desired they would not construe this "into a threatening, *as he scorned to* "*threaten any but his equals.* He promised, "at the same time, to forgive what was "past, if they would leave their former "distractions, and follow the counsel "which he had given them*."

* Parliamentary History, v. vii.

The

The commons entered immediately upon the consideration of grievances. These had become so numerous, and had acquired such magnitude, that, for procuring redress in the most effectual manner, it was thought proper to collect them in one view, and to bring them under the consideration of the legislature. This was done by the famous *petition of right*, which, in the form of a bill, was laid before parliament, and after a full discussion, having passed through both houses, and obtained the royal assent, became a declaratory statute, ascertaining, in some of the most essential points, the acknowledged limitations of the prerogative, and the indisputable rights of the people.

This petition began with stating the ancient and most fundamental laws of the kingdom, from the great charter downwards, by which it is provided, that no tallage, aid, or other charge, shall be levied by the king, without consent of parliament; that no money shall be extorted from the subject, by way of loan or benevolence;

volence; and that no person shall be imprisoned, without being brought to answer by due process of law, or be deprived of his freehold, or otherwise suffer in his person or goods, but by the judgment of his peers, or by the law of the land. It afterwards enumerated the many gross violations of these privileges upon the part of the crown, by compelling the subjects to lend, or to contribute money to the king; by imprisoning individuals without any cause being specified, and by detaining them in prison without any charge being made, to which they might answer according to law; by quartering soldiers upon the inhabitants, against the laws and customs of the realm; and by appointing commissioners to proceed in the trial of crimes according to the summary course of martial law. And lastly, it humbly prayed the king's most excellent majesty, that, for the future, all these abuses might be removed and prevented.

From the time when this petition was understood to be in agitation, Charles employed

ployed every artifice that could be devised for defeating its purpose. He procured numerous conferences between the two houses of parliament, and proposed many different schemes of accommodation. He acknowledged the faults of his administration, and promised of his own accord to remove all grounds of complaint. He represented the absurdity of making a new law to confirm an old one; and he prevailed upon the house of lords to move the addition of a clause, that by this deed the sovereign power of the king should be left unimpaired. But this ambiguous limitation was rejected by the commons.

When the petition had passed the house of lords, and was presented to the king for his concurrence, his presence of mind seemed entirely to forsake him, and instead of the simple expression used on such occasions, he returned an evasive answer, importing merely his will that the statutes of the realm should be put in due execution. So unprecedented a mode of speech, in that critical juncture, was more likely to create fresh jealousy than to afford satisfaction;

faction; and he found it necessary, soon after, though with a bad grace, to give the royal assent in common form*.

It is remarkable, however, that to all the copies of this deed which, by the king's order, were dispersed over the kingdom, the first answer, and not the second, was annexed†. To such pitiful shifts was this monarch reduced, and so strongly did he evince his reluctance to acquiesce in this important transaction. When he could no longer evade, he endeavoured to conceal and to deceive.

The legislature, by declaring the essential parts of the constitution, precluded, in appearance, all future disputes upon that subject. A bill for five subsidies was now passed through both houses of parliament, and carried into effect. So large a supply had, in the beginning of the session, been held out to the king as the reward of his consenting to the *petition of right*. The commons, however, were not diverted by their late success, from the further consideration

* Hume. † Parliamentary Hist. vol. viii. anno 1628.

of

of such grievances and abuses of administration as appeared still to require animadversion and redress: the dissipation of the revenue, the frequent dissolution of parliaments, the sale of indulgences to popish recusants, and the unlimited influence and power of the duke of Buckingham, to whom the public disgrace and mismanagement were chiefly imputed, became successively the objects of complaint and censure.

During a period when practical despotism continued to be the avowed object of the king, it is not surprising that a multitude of speculative reasoners were found willing to second his pretensions, and that the labours of the press, for that purpose, were openly employed and encouraged. Wherever men of letters form a numerous class, their ambition, the narrowness of their funds compared with their ideas of elegance, and their capacity of exercising many offices in the gift of the crown, are likely to produce a powerful body of mercenary writers, ready to enlist under the banner of prerogative, and possessed of

ingenuity to palliate, even to their own minds, the mean prostitution of their talents. Among these literary, or rather political auxiliaries, the first rank seems due to the clergy, on account of that peculiar zeal and good discipline which their professional education and circumstances are wont to create. Two ecclesiastics, Sibthorpe and Manwaring, distinguished themselves by the preaching and publication of sermons, in which they inculcated doctrines entirely subversive of civil liberty; maintaining that the king is not bound to observe the laws; that the authority of parliament is not requisite in raising subsidies; that the sovereign has a right to demand loans and contributions at pleasure; that those who refuse payment of the taxes imposed by him, incur eternal damnation; in fine, that an implicit and unlimited obedience to his will is an indispensable religious duty. Archbishop Abbot, whose political principles happened, it seems, not to coincide with those of the court, refused a license to Sibthorpe's publication; for which he was suspended from the exercise of

his

his ecclesiastical functions, and confined to one of his country seats. Manwaring's sermon, upon inquiry, was found to have been printed by the special command of the king. The author was impeached by the commons, and condemned by the lords to a high fine. But he soon after received a pardon from the king, and afterwards was made a bishop.

Charles having felt the want of a standing army to enforce his measures, his attention had been directed to the methods of removing that inconvenience. Part of the troops employed in the war abroad had now returned home, and were kept in pay, for the purpose of rendering his exactions effectual. He had also remitted money to levy a thousand German horse, and had transported those foreign troops into England. This body was doubtless too small to perform any great service; but the precedent of introducing foreign mercenaries being once established, their number might easily be increased. Such a measure could not fail to alarm the

nation, and to call for the interposition of parliament.

After the *petition of right* had passed into a law, there was ground to expect that all disputes concerning the extent of the prerogative would, at least for some time, be completely removed. But a misunderstanding, with respect to the meaning of that declaratory statute, soon involved the king and the commons in fresh contention, and threatened to frustrate all the former labour for composing their differences.

Tonnage and *poundage* were duties on the importation and exportation of commodities, derived in early times from the protection and assistance which the merchant received from the public, and which, from the nature of his trade, was of the utmost advantage, if not indispensably necessary to him. When the amount of these duties became so considerable as to appear worthy of notice, they fell, of course, under the direction of parliament, and, like all other taxes, were imposed and regulated by that assembly. The grant was renewed from time to time, sometimes for a shorter, and some-

sometimes for a longer period; and as the burden fell, at least in the first instance, upon mercantile and sea-faring people, it was generally allotted for the purpose of guarding the seas, or of carrying on a foreign war. Towards the end of the Plantagenate race, a custom was introduced of granting these duties during the king's life; and under the princes of the Tudor family the same custom was continued. None of those princes, however, appear to have imagined that they had a right to levy this tax by virtue of their prerogative. The authority of parliament had always been esteemed necessary to the imposition of this, as well as of all other branches of taxation; and upon obtaining a grant for *tonnage* and *poundage*, the form of words used by the sovereign was the same as in all other subsidies: *The king heartily thanketh the subjects for their good wills.*

It is true, that in the beginning of several reigns, the crown officers were accustomed to levy tonnage and poundage before the first meeting of parliament, or before it

was convenient for that assembly to take the matter under their consideration. This irregularity, in that rude age, was overlooked, more especially as no claim of right in the king had ever been founded upon the practice, and as the subsequent application for an act of parliament to authorize the tax, was a clear acknowledgment of his own defect of power to levy it by virtue of his prerogative.

James was the first English monarch who directly and openly claimed a right to impose these duties, and who, by his regal authority, ventured to advance the rates of the customs upon merchandize, and to establish these burdens as a permanent revenue of the crown *. This measure had not failed in that reign to be brought, among other grievances, under the cognizance of the commons, who had unanimously determined that the king had no such right. Charles, however, had fol-

* See the remonstrances on this subject, and the pleadings in the case of ship-money, preserved in Rushworth's Collections, vol. ii.

lowed

lowed his father's footsteps, and continued to levy the customs according to the advanced rates which he found already introduced. To ascertain this point, and put a stop to such arbitrary and illegal exactions, the commons, in the first parliament of this reign, had brought in a bill for granting tonnage and poundage for the very limited period of one year. But this limitation was not approved by the upper house. It was not to be expected that a matter of so great importance would be soon forgotten; and in the second parliament of Charles, we find that the levying tonnage and poundage, by virtue of the prerogative, made a principal grievance in the offensive remonstrance, for which that assembly was dissolved.

It is not a little surprising that, notwithstanding the proceedings in these two parliaments, the king, after he had, in the next parliament, given his assent to the petition of right, should still affect to consider tonnage and poundage, as in a different situation from other taxes, and as not comprehended under those regulations,

with respect to every species of taxation or public burden, which had, with so great anxiety, been provided by that fundamental transaction. Could it be supposed that, when parliament had prohibited the levying of any tax whatever, by the mere authority of the crown, they tacitly meant an exception of one branch of public revenue, in its consequences to national prosperity the most important, and the most liable to produce oppression and injustice? If such a supposition were possible, the behaviour of the commons in the two former parliaments must have been sufficient to remove it, by shewing that this branch of taxation had been so recently under their view, and that they invariably regarded it in the same light with other taxes.

It is probable that Charles, having obtained a supply of money, and being freed from those difficulties which had induced him to consent to the petition of right, had now begun to repent of his acceding to that deed, and was willing, by any, the most frivolous pretences, to evade the restrictions which

which it imposed. However this may be, he continued to levy tonnage and poundage without the authority of parliament; and when the house of commons complained of this measure, considering it as a violation of the petition of right, he was highly displeased, and put a stop to their proceedings by a sudden prorogation.

In the beginning of the next session, he thought fit to assume a more moderate tone, and to relinquish his former pretensions. He declared that he had not taken these duties "as appertaining to his hereditary "prerogative; but that it ever was, and "still is, his meaning to enjoy them as a "gift of his people; and that if he had "hitherto levied tonnage and poundage, "he pretended to justify himself only by "the necessity of so doing, not by any "right which he assumed." As the parties were now agreed in their principle, the only question that could remain, related to the mode of granting this tax. The commons, considering the former claims both of the king and his father, and the powers which they had exercised in relation to these

these duties, thought it necessary, for the future security of the people, that there should be an immediate interruption to the assessment before the new grant was bestowed. They were willing that the king should enjoy the tax to the same amount as formerly, but they insisted that he should receive it in such a manner as clearly to ascertain that it proceeded from the gift of parliament. But the king obstinately refused to accept it upon those terms; and he suddenly took the resolution of dissolving that assembly, rather than admit of a compromise apparently so unexceptionable. The alarm spread in the house of commons, upon receiving intelligence of this resolution, may easily be conceived. They immediately framed a remonstrance for the occasion. But the speaker refused to put the question upon it; and being urged by several members, declared, *that he had express orders from the king to adjourn, and to put no question.* Indignation, anxiety, and resentment, gave rise to unusual vehemence of speech and behaviour, and suggested a measure suited to the exigency. The speaker

speaker was forcibly held in the chair until a protest was read, and approved by the general acclamation of the house.

The dissolution of parliament, in these unusual circumstances, was a plain intimation that Charles intended to keep no measures with his people. He immediately gave orders to prosecute those members of the house of commons who had distinguished themselves in the late violent proceedings. Sir John Elliot, who had framed and read the last remonstrance; Mr. Selden, who had taken a great share in conducting the petition of right, as well as in the measures concerning tonnage and poundage, and whose learning and abilities gave him great weight with the party; Hollis and Valentine, who had by force detained the speaker in his seat, with several others, whose conduct upon that occasion had rendered them obnoxious, were imprisoned, and examined before the privy council; but they refused to answer the interrogatories of any person, or to give to any court whatever an account of their behaviour in parliament.

After

After an imprisonment of thirty weeks, an offer was made that they should be admitted to bail, upon finding sureties for their good behaviour; but they declined accepting their liberty upon terms which they considered as inconsistent with their duty to their country. Sir John Elliot, Mr. Hollis, and Mr. Valentine, were brought to a trial in the King's-bench, and subjected to a high fine, and to imprisonment during the king's pleasure. The first of these gentlemen, who had distinguished himself as a leader in the cause, died in prison. Several of the members remained in confinement until the meeting of the next parliament in the year 1640 *.

From the dissolution of parliament in the beginning of the year 1629, Charles avowed his purpose of ruling without a parliament, and of raising the whole of the public supplies by his own authority †. From this period we are no longer to look upon the monarch as endeavouring secretly to undermine the

* See Pym's speech, Parliam. Hist. vol. viii. p. 427.

† See his proclamation, 1629. Parliam. Hist. vol viii. p. 389.

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constitution, but as acting in open defiance of all those maxims upon which it had been established.

In the prosecution of this plan, however, he did not neglect those arts of corruption, which the experience of a later age has brought to greater maturity, but which, even at that time, were far from being unsuccessful. A few of the leading members of the last house of commons were now gained over to the interest of the crown, and obtained a distinguished rank in administration. Among these, the most noted was Sir Thomas Wentworth, who, from being one of the most able and violent opposers of the prerogative, was prevailed upon to desert his former principles, and soon after became the confident and prime minister of Charles.

It would be superfluous to enumerate the instances of tyranny and oppression exhibited in a period of more than eleven years, during which this arbitrary system was pursued. All the abuses which had formerly been complained of, and of which redres

redress had so often, and with so great solemnity been promised, were now repeated, and digested into a regular plan. All the powers of government were now centered in the monarch, and the rights and privileges formerly claimed by either house, were sunk in the prerogative.

Two of the measures which during this period excited universal attention, and contributed most remarkably to inflame the popular discontents, may be worthy of particular notice. The first was the imposition of ship-money; an exaction which, from the time of its first introduction, had been greatly extended, and almost entirely altered in its nature. According to the English constitution, as well as that of the other feudal governments, all the military people were bound to assist in the defence of the kingdom, and might be required by the sovereign to attend him in the field with arms and provisions, agreeable to the nature of their service. Upon the same principle, the maritime towns were liable to a peculiar burden,

burden, corresponding to their circumstances; that of furnishing ships, with sailors and naval stores, which, upon any foreign invasion, or extraordinary exigence, might be demanded by the king, and employed under his direction. The mercantile part of the nation were thus put upon an equal footing with the rest of the community; being subjected to a duty corresponding to that kind of protection which they received from government, and to the nature of that support and defence which they were best qualified to afford.

The mercantile towns, however, were not obliged to build and prepare new ships, but only to furnish those of which they were already possessed; for this obvious reason, that if the extraordinary emergency which had created the demand, admitted such a delay as would be requisite for the building of new ships, it might afford unquestionably sufficient leisure for calling a parliament, and procuring its concurrence; a measure held, by the common law of England, and by the uniform tenor of the statutes,

statutes, to be indispensably necessary in the imposition of taxes*.

But the requisition made by Charles, under the appellation of ship-money, now assumed a very different form. It was not limited to the maritime towns; but extended also to the counties; and to those at a distance, as well as to those in the neighbourhood of the sea. He demanded,

* See the proceedings in the case of ship-money, particularly the argument of Sir George Crooke, one of the justices of the King's-bench.—State Trials.

It appears, that though the ships were commonly furnished at the king's charge, yet, in some few cases, the expence was laid upon the towns. Of this complaints were made to parliament, and redress was given by a statute, 25 Edw. I. During the war with France, in the reign of Edward III. the king renewed the practice of requiring the maritime towns to prepare ships at their own expence; but this was again prohibited by a statute in the 14th of that reign. By an act of parliament [1 Rich. II.] it was provided that such ancient cities, boroughs, or towns, as chose to fit out a single ship for the defence of the kingdom, shoukl, without any fine or charge, obtain a confirmation of their charters; and, with exception of the voluntary armaments referred to in that statute, it became an established rule, that the maritime towns should not be burdened with the expence of the shipping which, by the king's orders, they were bound to furnish.

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not a number of ships; for of every thing relative to shipping, the inland counties were totally destitute; but a sum of money, to be employed at the discretion of the crown, for the purpose of procuring a naval armament. And, to crown the whole, he made this demand, not on account of any foreign invasion, or of any public calamity, or danger requiring a sudden exertion of national force; but in times of profound peace and tranquillity, when he could find no other pretence, but that the sea had been infested with pirates; an enemy too insignificant, surely, to create any disturbance, and whose depredations might have easily been suppressed by the ordinary vigilance of the royal navy, and the ordinary supplies to be obtained by the interposition of parliament. In this form, ship-money became a general tax, imposed, in direct terms, by virtue of the prerogative, and subject to no controul from parliament; a tax which might be extended at pleasure, and of which the profits might be applied to any purpose whatever.

To smooth and prepare the way for this

imposition, Charles took the precaution of consulting the judges upon a fictitious case: whether ship-money could be demanded by the king, when the necessities of the state should require it; and whether the king alone was the judge of such necessities? To the everlasting disgrace of the English courts of justice, those corrupt and pusillanimous guardians of the law returned an answer in the affirmative. Fortified by that opinion, the monarch was emboldened to pursue a measure which seemed to promise inexhaustible resources; and he ventured to employ the same methods for enforcing the payment of this duty, as if it had been levied by act of parliament *.

About four years after ship-money had begun to be enforced, Mr. Hampden had the courage to refuse payment; and for the sum of twenty shillings, in which he had been assessed, brought the cause to a judicial determination. Of the abuses which, at this time, contributed to alarm the nation, it was not the least, that the arbitrary

* Rushworth's Collections.

spirit

spirit of the sovereign had perverted the streams, and poisoned the sources of justice. Upon a full hearing of all the judges, a very great majority concurred in pronouncing a sentence in favour of the crown; "which judgment," says my lord Clarendon, "proved of more advantage and "credit to the gentleman condemned, than "to the king's service*."

The innovations introduced by Charles in the forms of religious worship, and in the government of the church, though, perhaps, less directly subversive of the

* Two judges, Crooke and Hutton, gave their opinion in favour of Mr. Hampden, upon the general merits of the question. The argument of the former, as delivered in the state trials, exhibits a clear view of the English constitution with respect to the ancient power of the crown in levying ship-money. Two other judges, Davenport and Denham, spoke also upon the same side. The former supported the right of the crown to levy ship-money, but thought the action void upon a point of form; the latter, at first gave his opinion for the crown, upon mistaking the plaintiff for the defendant, but afterwards corrected his mistake. He had from sickness been absent during part of the pleadings, and seems to enter very little into the matter.

constitution, were still more calculated to rouse and alarm the people; and had, in reality, an obvious and powerful tendency to increase the authority of the crown. From the behaviour and character of this monarch, some doubts have arisen with respect to his religious opinions. The gravity of his deportment, the sobriety and regularity of his private life, together with his apparent zeal in support of ecclesiastical dignity, procured him the reputation of piety and devotion; while his prepossession in favour of ridiculous ceremonies, and superstitious observances, in consequence of the good sense attributed to him, created a suspicion of artifice and hypocrisy. His friends have asserted his invariable attachment to the church of England: his enemies insinuate that he was a secret abettor of popery. That both he and his father were less adverse to the latter system of religion than to that of the puritans, cannot reasonably be denied. The fact seems to be, that in religious matters, these two princes were much guided by their political interest. As the hierarchy in England

England was highly favourable to the regal authority, they endeavoured to extend and fortify it with all their might. By the abolition of the papal power in this country, the king, becoming the head of the church, and possessing the gift of the higher church livings, acquired a very absolute ascendancy over the superior members of that great incorporation. The spirit of inquiry introduced at the reformation, and the diffusion of knowledge which followed it, contributed, on the other hand, to relax the bands of ecclesiastical authority, and greatly to diminish that influence over the laity which churchmen had formerly maintained. It appears to have been the great object of Charles to repair, in these two respects, the ruins which time had produced; to renew and invigorate the ecclesiastical machine, so as to create a proper union and subordination of its different wheels and springs, and to render its movements more effectual in directing and governing the people. For this purpose, in conjunction with archbishop Laud, his great spiritual minister, he ventured to

new model the liturgy; and, in the public services of religion, introduced a multitude of decorations and ceremonious observances, *in imitation of those employed by the Roman catholics.* Some authors appear to consider these as insignificant and ridiculous mummery, the offspring of mere folly and superstitious weakness; but there is no room to doubt that this pomp and pageantry of religious worship was intended to promote superstition among the populace; to exalt the clerical character, to create a high veneration for the sacerdotal functions, and a belief, with respect to the happiness of men in a future state, of the efficacy and indispensable necessity of the interposition and good offices of the church. He also established a new set of ecclesiastical canons, by which a stricter discipline, and a more absolute authority in the superior orders of churchmen was introduced; and these regulations were enforced with unremitting vigilance and with inflexible rigour. It is not impossible, that by these innovations Laud gratified that vanity and love of power which his rank and situation con-

contributed to inspire; while the king viewed them in a political light, as promoting his designs of managing the church, and, through her, of governing the nation. The court of star-chamber, and that of high-commission, were employed in punishing both laity and clergy who neglected, in the smallest article, to comply with these rules; and the bishops administered an oath to the churchwardens, that they would, without fear or affection, inform against all offenders*.

It was impossible entirely to suppress the indignation and clamour excited by these proceedings; but such as ventured openly to censure them, were sure to encounter the implacable resentment of an incensed and bigotted churchman, armed with the whole power of the state.

Some men of austere character, or of intemperate zeal, being found hardy enough to venture upon the publication of books, inveighing with great acrimony against the usurpations of churchmen, and againstthe

* Rushworth.

levities and vices of the age, or supposed to contain insinuations against the measures of government, were treated with a degree of barbarity repugnant to the manners of a civilized nation. These authors, though of liberal professions, and in the rank of gentlemen, were condemned not only to an immoderate fine, but to the pillory, and to whipping in the severest manner, accompanied with the loss of their ears, and the slitting of their noses; and this outrageous and shocking punishment was, without the least mitigation, actually carried into execution *.

To prevent such publications as tended to inflame the minds of the people, it was ordained, by a decree of the star-chamber, in the year 1637, that the printers in the kingdom should be limited to a certain number, and that no book should be printed without a licence, or imported for sale without the inspection of persons appointed

* See, in particular, the account given by historians, of the punishment inflicted upon Dr. Leighton, a Scotch presbyterian; on Prinne, a lawyer; on Burton, a divine; and on Bastwick, a physician.

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for the purpose. This regulation was enforced with similar punishments *. What is called the liberty of the press was, doubtless, totally incompatible with the designs of administration.

From the same views which led to the exaltation of the hierarchy in England, Charles was equally solicitous of extending that favourite system of church policy to Scotland. By a variety of steps, many of which were highly arbitrary and illegal, James had already established a species of episcopal government in that country; but from the influence of the nobles, and other very opulent proprietors of land, who had obtained a great part of the ancient ecclesiastical revenues, he found it impossible to restore the bishops to that wealth and dignity which they enjoyed in times of popery, or which they still held in England. The

* For printing and publishing without a licence, John Warton and John Lilburne were brought into the star-chamber, and upon refusing to answer interrogatories, were sentenced to a fine and the pillory. The latter, though a man of family, was likewise whipped through the streets, and otherwise treated with great barbarity.—Rushworth.

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enthusiasm of the Scottish nation in favour of that mode of worship which they had established at the reformation, and their prejudices against the forms used in the English, as well as in the Roman catholic church, were well known to Charles; notwithstanding which he was not deterred from the attempt of compelling them to receive the new English canons and liturgy. The obstinacy with which he pursued this object, even after the people had risen up in arms to oppose it, and had formed that solemn association known by the appellation of the *national covenant*, can hardly be imputed to the pretended motives, the mere love of order and uniformity in the external worship of the two kingdoms; but, in all probability arose from the desire of subjecting the people in Scotland as well as in England, to an order of men who, from their dependence upon the crown, were likely to be the zealous and constant supporters of the prerogative.

The Scottish army having reduced the king to great difficulties, he again found it expedient, after an interval of more than eleven

eleven years, to call a parliament. But this meeting, which was held in April 1640, having, like the three former parliaments, insisted upon a redress of grievances previous to the granting of supplies, was quickly dissolved by the king; who, immediately after, imprisoned two of the commons, for refusing to answer interrogatories concerning their behaviour in the house.

Such, during the first fifteen years of the reign of Charles, were the chief matters in dispute between the king and parliament; and such were the chief circumstances in the conduct of either party.

From the whole behaviour of the king during this period; from numberless instances in which he publicly declared his political sentiments; from the countenance and favour which he shewed to the authors of doctrines entirely subversive of civil liberty; from his peremptory demands of supply, accompanied with menaces in case they should not be complied with; from his repeated dissolutions of parliament, for persisting to inquire into national grievances; and from his continuing, in

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consequence of an avowed resolution, for so long a period as that of eleven years, to rule without the aid of any national council, and to levy money, both directly and indirectly, by his own authority; from all these circumstances it is manifest, that he considered himself as an absolute monarch, and that, although he made repeated applications to parliament for supplies, he was far from admitting the necessity of such an expedient, but claimed the power of imposing taxes as an inherent right of the crown.

It appears, at the same time, indisputable, that such doctrines and claims were inconsistent with the original constitution and fundamental laws of the kingdom. By the uniform series of statutes, from the reign of William the Conqueror, and according to the principles and maxims recognized and admitted in all public transactions, the legislative power, and that of imposing taxes, were exclusively vested in parliament. These laws, indeed, had been sometimes violated by particular princes, who had not always been called to account for

for such violations. But these illegal measures of the crown were neither so numerous, so uniform, nor so long continued, as to make the nation forget that they were usurpations, or lose sight of those important privileges which had thus been invaded. The king was no more understood to have acquired a right to such powers, from his having occasionally exercised them, than individuals become entitled to commit rapine or theft, merely because they have sometimes been guilty of those crimes, and have had the good fortune to escape with impunity.

It is worthy of notice, that although several kings of England exacted money from their subjects without the authority of parliament, they never pretended to vindicate those proceedings, nor alleged that, by virtue of the prerogative, they had the right of imposing taxes. Henry VIII. the most powerful and arbitrary of all the Tudor princes, disclaimed any power of this nature; and upon one occasion, when cardinal Wolsey had set on foot a project for levying a tax by the regal authority, found

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it necessary to quiet the minds of the people by an express declaration, that he asked nothing more than a benevolence or voluntary contribution.

When we examine, on the other hand, the conduct of the four first parliaments of Charles, there appears no good reason for suspecting them of any design to alter the constitution. The circumstances of the crown were such, at this time, as required particular attention to every proposal for new taxes, and rendered an extreme jealousy upon this point not only natural, but proper. From the alterations which had gradually and almost insensibly taken place in the state of society, the circumstances of the people with respect to taxation had been totally changed. The old revenue of the crown was become very inadequate to the expence of government; and as the estates of individuals were liable to supply the deficiency, the nation was deeply concerned, not only to prevent arbitrary impositions, but also to limit those burdens which every member of administration had continually an interest in accumulating.

mulating. Like sureties for a person in hazard of bankruptcy, it was incumbent on them to watch over the principal debtor, and to prevent his extravagance. As from the charges attending the civil and military establishments, the king could never be at a loss for pretences to demand money from his subjects, it was from this quarter that they were most in danger of oppression, and had most reason to guard against the encroachments of prerogative.

The alterations, at the same time, in the military state of the kingdom, were such as rendered unusual care and vigilance necessary to preserve the ancient constitution. While the feudal vassals continued to perform the military service, the people had the sword in their own hands; and, consequently, the means of defending themselves from oppression. But after the substitution of mercenary troops to the ancient feudal militia, the nation became an unarmed and timorous multitude, without discipline or capacity for any sudden exertion, and seemed to be entirely at the mercy of the king, who levied at pleasure, and directed

directed the whole military force. Had no new circumstance occurred upon the side of the people, to counterbalance the additional weight thus bestowed upon the crown, their liberties could not have been maintained. But the necessities of the king requiring continual grants of money from parliament, afforded this countervailing circumstance, by rendering him dependent upon the national representatives, and obliging him to listen to the complaints of his people. It was in this manner only that the prerogative could be retained within its ancient limits.

If parliament, however, had always been ready to supply the wants of the king; if they had never stood upon terms, and demanded a rectification of abuses as the condition of their consenting to taxes; their power would soon have dwindled into a shadow, and their consent would have become a mere matter of form. They would have soon found themselves in the same state with those ghosts of national councils, who continued to hover about the courts of some European monarchies,

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and were ſtill called to give an imaginary ſanction to that will of the prince which they had no longer the capacity of oppoſing. By good fortune the imprudence of Charles, and ſtill more that of his father, by diſcovering too plainly the lofty ideas they entertained of the regal authority, alarmed the fears of parliament; and the houſe of commons, by having the courage to *refuſe*, preſerved their privilege of beſtowing the public money at a time when they had loſt all other means of compulſion.

In the hiſtory of the world, we ſhall perhaps diſcover few inſtances of pure and genuine patriotiſm equal to that which, during the reign of James, and during the firſt fifteen years of the reign of Charles, was diſplayed by thoſe leading members of parliament, who perſevered, with no leſs temper than ſteadineſs, in oppoſing the violent meaſures of the court. The higher exertions of public ſpirit are often ſo contrary to common feelings, and to the ordinary maxims of conduct in private life, that we are, in many caſes, at a loſs whether to condemn or to admire them. It may alſo be remarked, that in the moſt brillant examples

of heroiſm, the ſplendour of the achievement, at the ſame time that it dazzles the beholder, elevates and ſupports the mind of the actor, and enables him to deſpiſe the difficulties and dangers with which he is ſurrounded. When Brutus took away the life of Cæſar, he ran counter to thoſe ordinary rules which bind ſociety together; but, according to the notions of his own age, he ſecured the applauſe and veneration of the worthier part of his countrymen. To perform a great ſervice to our country by means that are altogether unexceptionable, merits a purer approbation; and if the action, while it is equally pregnant with danger, procures leſs admiration and renown, it affords a more unequivocal and convincing proof of true magnanimity and virtue. When Hampden, by an appeal to the laws of his country, expoſed himſelf to the fury of Charles and his miniſtry, he violated no friendſhip, he tranſgreſſed no duty, public or private; and while he ſtood forth to defend the cauſe of liberty, he muſt have been ſenſible that his efforts, if ineffectual, would ſoon be neglected and forgotten; and that even if ſucceſsful, they were leſs calculated to procure the applauſe

plauſe of his cotemporaries, than to excite the admiration and eſteem of a grateful poſterity.

To the illuſtrious patriots who remained unſhaken during this period, we are indebted, in a good meaſure, for the preſervation of that freedom which was baniſhed from moſt of the other countries of Europe. They ſet the example of a conſtitutional reſiſtance to the encroachments of prerogative; accommodated their mode of defence to the variations in the ſtate of ſociety which the times had produced; and taught the houſe of commons, by a judicious exerciſe of their excluſive right of taxation, to maintain and ſecure the rights of their conſtituents.

SECTION III.

OF THE REIGN OF CHARLES THE FIRST, FROM THE MEETING OF THE LONG PARLIAMENT TO THE COMMENCEMENT OF THE CIVIL WAR.

The meeting of what is called the Long Parliament, towards the end of the year 1640, preſented a new aſpect of public affairs, and

ſeemed to require that the patriotic leaders of that aſſembly ſhould embrace a new ſyſtem of conduct. The deſigns of Charles had now been proſecuted for ſuch a length of time, and diſplayed in ſuch a variety of lights, as to become perfectly notorious. From his behaviour during his three firſt parliaments, it appeared, that though he condeſcended to procure money by parliamentary authority as the ſmootheſt and ſafeſt courſe, he was far from acknowledging the neceſſity of this mode of procedure, but claimed, and whenever his occaſions might require, was determined to exerciſe the prerogative of impoſing taxes. In his intercourſe, at the ſame time, with thoſe aſſemblies, he had made no ſcruple to practiſe every artifice in his power, to intimidate them by threats, to work upon their hopes by temporiſing profeſſions, and even to deceive them by direct promiſes. Of this there occurred a remarkable proof in the circumſtances relating to the *petition of right*, a bill to which, after many evaſions, he at length ſolemnly conſented, but which he afterwards no leſs openly violated; a bill in which he plainly had renounced the errors of his former conduct, and

had in particular admitted, by an expreſs and poſitive declaration, that the power of impoſing taxes, or of levying from the people any ſort of contribution or duty, was excluſively veſted in parliament.

After the diſmiſſion of his third parliament, he had thrown off the maſk, had avowed the reſolution of reigning without the aid of thoſe national councils; and for more than eleven years, had continued to uſurp all the ſupreme powers of government, levying money, not only by the indirect means formerly practiſed, but alſo by the direct impoſition of taxes, and iſſuing royal proclamations, to which he required the ſame obedience as to acts of parliament. During this period he altered, both in England and in Scotland, the eſtabliſhed forms of religious worſhip and the ſyſtem of church government; and by the interpoſition of the ſtar-chamber, or by his corrupt influence over the ordinary tribunals, he often inflicted the moſt arbitrary and illegal, as well as barbarous puniſhments upon thoſe individuals who had the courage to thwart, or in any ſhape to oppoſe his meaſures.

His behaviour to his fourth parliament

ſerved only to ſhow, that, while he remained immoveable in his plans of deſpotiſm, he had not relinquiſhed his diſpoſition to artifice and duplicity.

Such had been the conduct of Charles, and ſuch was the character of that monarch, which had been deeply impreſſed upon the great body of the people, when the defeat of his forces by the Scottiſh army obliged him to call another parliament within a few months after his angry and contemptuous diſſolution of the former. The indignation and reſentment of the nation were now raiſed to ſuch a pitch as to overbear the court influence in the greater part of elections, and to produce in this aſſembly a prodigious majority, reſolutely determined to reſtrain the arbitrary meaſures of the ſovereign.

From the tranſactions of this and of the preceding reign, it was now become evident, that the preſervation of public freedom required more effectual meaſures than had been purſued by former parliaments. By refuſing ſupplies, the houſe of commons might occaſionally extort from the king a promiſe to correct the abuſes of adminiſtration; but experience had

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ſhown that no practical benefit could reſult from promiſes to which he paid ſo little regard, and which he might ſo eaſily violate with impunity. Thoſe difficult ſituations, in which the king was obliged to ſolicit the parliament for money, were now likely to occur but ſeldom, ſince he had found that, by other methods leſs diſagreeable to himſelf, he was capable, in ordinary caſes, of ſupplying his wants. Theſe methods, indeed, were illegal and unpopular, but they had been frequently repeated with ſucceſs, and had for a conſiderable period been continued without interruption. The danger of ſuch precedents had now riſen to an alarming height; and as, on the one hand, it was hardly to be expected that the monarch would ſtop ſhort in that career which he had hitherto maintained, ſo on the other, it was to be feared that the people, whoſe feelings are but little affected by evils which do not ſtrike their ſenſes, would be gradually reconciled to theſe innovations, and that the ſanction of cuſtom would at length be pleaded in ſupport of meaſures totally ſubverſive of the conſtitution.

Though the Engliſh government had im-

memorially exhibited the plan of a limited monarchy, and had ſo diſtributed the chief powers of the ſtate as mutually to check and controul one another; yet, from want of experience and foreſight, the workmanſhip was, in ſeveral of its minuter parts, far from being ſo complete and perfect as to preclude every kind of irregularity or diſorder. By commiting the powers of legiſlation and taxation to parliament, and the ſupreme judicial power to the houſe of lords, it ſeems to have been thought that the miniſterial or executive power of the king would be kept in proper ſubordination; and probably no ſuſpicion was entertained of the numerous artifices by which he might elude the ſuperintendance of his great council, or of the different expedients to which he might reſort for eſtabliſhing an independent authority. But after the decline of the ariſtocracy under the reign of the Tudor princes, it was found that the precarious appointment of the inferior judges gave him an abſolute ſway over the courts of juſtice; and upon the diſuſe of the ancient feudal ſervice, after the acceſſion of the houſe of Stuart, the direction of the mercenary forces, the number

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of which was likely to be continually increaſing, afforded him an engine which was becoming daily more effectual for enforcing his meaſures, and for controuling all oppoſition to his will.

At this alarming criſis, therefore, when the king had made ſuch formidable advances towards the introduction of deſpotiſm, it was the indiſpenſable duty of parliament to redouble its efforts, and to ſtudy more effectual meaſures for oppoſing his deſigns. It was no longer ſufficient, for this purpoſe, to repel the encroachments made by the crown, and to re-inſtate the government in the ſituation which it had maintained before the late innovations. The parliaments had hitherto ſtood entirely upon the defenſive; it ſeemed now high time that they ſhould attack in their turn, and endeavour to diſarm an adverſary ſo perſevering, ſo watchful, and ſo powerful. It was not enough that they ſhould fill up the breaches which had been made, and repair the fortifications which had been demoliſhed; but in providing for future ſecurity, it was neceſſary to fortify the conſtitution in thoſe avenues and paſſes which had formerly been left

left moſt open and defenceleſs; and at the ſame time to diſpoſſeſs the prerogative of thoſe particular ſtations, from which there appeared the moſt imminent danger of invaſion.

Such appear to have been the leading views of that celebrated parliament, which met in the latter part of the year 1640, and of whoſe conduct political writers, according to their different inclinations and *ſyſtems*, have given ſuch oppoſite repreſentations.

Their firſt meaſure was to attack thoſe miniſters who had been chiefly inſtrumental in the late proceedings of the crown. That theſe might with propriety be called to account for the part they had acted in the courſe of their adminiſtration, was indiſputable; and that they, rather than the ſovereign, ſhould ſuffer puniſhment for the abuſes or miſdemeanors which had been committed, was an acknowledged maxim of the Engliſh government. It was accordingly reſolved, that Strafford and Laud, the two perſons who had enjoyed the principal ſhare of the king's confidence, the one in civil, the other in eccleſiaſtical matters, ſhould be impeached; and,

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for this purpoſe, they were immediately taken into cuſtody.

Many circumſtances contributed to render Strafford the general object of popular odium and reſentment. He had been a diſtinguiſhed leader of the patriotic party; and had been ſeduced by the court to abandon his principles, and join the ſtandard of prerogative. In thoſe times, when the ſpirit of patriotiſm had riſen to ſo high a pitch, and when the minds of men were ſo heated with an enthuſiaſtic love of liberty, a political renegado, who had betrayed the cauſe of his country, and had deſcended to become a vile inſtrument of that oppreſſion, againſt which he had declaimed and ſtruggled with ſo much vehemence, could not fail to draw upon himſelf a double portion of that indignation which the meaſures of the crown had excited; and as this apoſtacy happened ſoon after the diſſolution of Charles's third parliament, that is, at the very period when the arbitrary and deſpotical views of the monarch had been, in the moſt unequivocal manner, proclaimed to the whole nation, and when attempts, by the court, for gaining other eminent members in oppoſition, had been repulſed

repulſed with diſdain, it was beheld in circumſtances of peculiar aggravation, and marked with indelible characters of infamy. The haughty and inſolent temper of Strafford contributed, at the ſame time, to procure him many perſonal enemies: not to mention, that his known abilities and vigour, which had raiſed him to the head of adminiſtration, gave real apprehenſion to all ſuch as were anxious to guard againſt the encroachments of prerogative.

Againſt the condemnation of this miniſter, much has been ſaid and written, which, in the preſent age, will hardly be thought worthy of a ſerious refutation. That *the king can do no wrong* was, even at this time, underſtood, in the ordinary courſe of adminiſtration, to be a conſtitutional maxim: From which it follows, as a neceſſary conſequence, that his miniſters muſt be reſponſible for all the abuſes committed by the executive power. No perſon, according to this rule, could ſuffer more juſtly than the Earl of Strafford, who had been confeſſedly the king's principal and confidential miniſter, and whoſe adminiſtration demonſtrated a deep-laid and regular ſyſ-

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tem to ſubvert the conſtitution. It may be aſked, what crime deſerves a capital puniſhment, if this does not?

The clamour, therefore, which was raiſed againſt the puniſhment of that nobleman could have no foundation in the principles of material juſtice. It could only relate to the forms of procedure by which he was tried and condemned. And here it is remarkable, that the chief handle for objection was afforded by the extreme anxiety of the commons to proceed with great circumſpection, and to conduct the trial in ſuch a manner as would avoid any ground of complaint.

With reſpect to the facts upon which the accuſation was founded, inſteadof reſting upon a general ſtatement of the arbitrary meaſures purſued by the crown during the period when Strafford was a principal and confidential miniſter, about which there could be no diſpute, the commons thought proper, for the ſatisfaction of the public, to bring a ſpecific charge of particular violations of the conſtitution, to which he had been acceſſary, either as an adviſer, or as an immediate actor; and the proof

which

which they afterwards adduced in ſupport of one of the chief of thoſe articles, was alleged to be defective. Strafford was charged with having ſaid, in council, that the king was now *abſolved from all rule of government, and to do whatever power would admit;* and with having adviſed his majeſty *to go on vigorouſly in levying ſhip-money*, and to employ the forces in Ireland for *reducing this kingdom to obedience.* Other expreſſions of a ſimilar import were imputed to other members of council. Sir Henry Vane, the ſecretary, had taken ſhort notes of this debate; and from theſe, which were accidentally diſcovered by his ſon, a copy was produced on the trial. It appears from Lord Clarendon, that ſome of the words alluded to, *of a high nature*, according to his expreſſion, were remembered by the Earl of Northumberland, another member of council; but the reſt were not recollected by any perſon preſent, except Sir Henry Vane; nor by him, till after repeated examinations. It was contended, however, that the notes added to this verbal teſtimony ſhould be held equivalent to two witneſſes, which, by the law

law of England, are neceſſary in proofs of high treaſon*.

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* See Clarendon's Hiſt. Vol. I.—Whitlock's Memorials—Parliamentary Hiſtory, Vol. IX.

The title of the notes was, *No danger of a war with Scotland, if offenſive, not defenſive.*

Then followed the opinions marked as below.

" K. C. How can we undertake an offenſive war, if " we have no more money ?

" L. L. Ir. Borrow of the city 100,000l. Go on vi- " gorouſly to levy ſhip-money; your majeſty having " tried the affection of your people, you are abſolved and " looſe from all rule of government, and to do what " power will admit. Your majeſty having tried all ways, " and being refuſed, ſhall be acquitted before God and " man: and you have an army in Ireland that you may " employ to reduce this kingdom to obedience; for I am " confident the Scots cannot hold out five months.

" L. Arch. You have tried all ways, and have always " been denied; it is now lawful to take it by force.

" L. Col. Leagues abroad there may be made for the " defence of the kingdom: the lower houſe are weary of " the king and church: all ways ſhall be juſt to raiſe " money by, in this inevitable neceſſity, and are to be " uſed, being lawful.

" L. Arch. For an offensive, not any defensive war.

" L. L. Ir. The town is full of lords. Put the com- " miſſion of array on foot; and if any of them ſtir, we " will make them ſmart."

The evidence arising from theſe notes, however informal,

In profecuting the impeachment of Strafford, ſome doubts came to be ſuggeſted, whether the facts imputed to him, though certainly

formal, can hardly fail to produce conviction. They were apparently taken when the debate happened, immediately after the diſſolution of the preceding parliament, and ſome months before there could be any view of trying the Earl of Strafford. Their authenticity is ſupported by the parole teſtimony of Sir Henry Vane, the ſecretary, by whom they were taken, and who, being preſent, as a member of council, was an accomplice in the conſpiracy, and had therefore an intereſt to conceal the fact. This circumſtance, together with his oath, as a privy counſellor, to ſecrecy, accounts for his reluctance to reveal the truth. His teſtimony, at the ſame time, with reſpect to ſome expreſſions *of a high nature*, in the foregoing dialogue, appears, by the admiſſion of Clarendon, to have been confirmed by that of the Earl of Northumberland, another privy counſellor, and an unexceptionable witneſs. Thus a full proof being brought of ſome important parts of the dialogue, though it is not aſcertained which theſe are, the credulity of the notes muſt be ſtrongly eſtabliſhed as to other parts where we have only one witneſs.

But what muſt contribute, above all, to remove any doubt concerning the authenticity of the notes, is the probability of their contents, from the situation and paſt behaviour of the king and his miniſters. The expreſſions uſed by the different ſpeakers tally exactly with their former

tainly deſerving the higheſt puniſhment, amounted, by the common or ſtatute law of England, to the ſpecific crime of high treaſon with which he was charged. According to the rude conceptions introduced into all the feudal monarchies of Europe, the crime of high treaſon could only be committed *againſt the king*; and it was alleged, that a charge of this nature was not applicable to the conduct of Strafford, who had, indeed, invaded the conſtitution, and ſubverted the fundamental laws of the kingdom, but who had acted, all along, with the perfect concurrence of the ſovereign, and in direct obedience to his will. Theſe doubts were, ſurely, very ill founded; ſince it is obvious that, by the preſumption of

mer conduct. The meaſures propoſed are nothing but the continuation, and the natural conſequence of thoſe which had been purſued by adminiſtration for eleven years paſt; and the embarraſſment produced, immediately upon the diſſolution of the fourth parliament of Charles, was likely to occaſion a conſultation of the nature that is reported.

It is unnecessary to add, that the interlocutors referred to are clearly King Charles, the Lord Lieutenant of Ireland, the Archbiſhop of Canterbury, and Lord Collington, and that the deſigns which they expreſs are ſubverſive of the conſtitution.

law, the king, in purſuance of his duty, muſt be ſuppoſed at all times ready to defend the conſtitution, and conſequently expoſed to the hazard of loſing his life in its defence. Whoever, therefore, attempts to overthrow the conſtitution, may be held, in the conſtruction of the law of Edward the Third, to *compaſs or imagine the death of the king;* and this although in any particular caſe the king ſhould betray his truſt, and, inſtead of defending the government, ſhould combine with its enemies in promoting its deſtruction. But how ill founded ſoever the opinions of thoſe may be who oppoſed the impeachment upon this ground, it was thought adviſeable to comply with their pretended ſcruples, and to carry on the proſecution by a *bill of attainder*. This mode of trial is, doubtleſs, very liable to abuſe, and ought never to be admitted, unleſs in caſes of extraordinary neceſſity. It does not appear, however, that Strafford was, in conſequence of it, ſubjected to any peculiar hardſhip. The proof of the facts was inveſtigated, not only by the commons, but alſo by the lords, the ſame judges by whom it would have been determined in the caſe of an

impeachment; and before paſſing the bill, the judges delivered their unanimous opinion, *that upon all which their lordſhips have voted to be proved, the Earl of Strafford doth deſerve to undergo the pain and forfeitures of high treaſon by law**.

The conſent given by Charles to this bill, and his yielding to the execution of his favorite, could not fail to ſtrike all his adherents with conſternation and aſtoniſhment, and have been conſidered, even by thoſe who view his conduct with the moſt extreme partiality, as the great blot upon his character. If we ſuppoſe that Charles was now a real convert from his former principles; and that, weary of ſo diſagreeable a conteſt, he had relinquiſhed the ſyſtem of eſtabliſhing an abſolute government; it is natural to think that he would have met with no difficulty in giving complete ſatisfaction, both to parliament and the nation, without abandoning the life of a miniſter whom he had ſeduced into his ſervice, and whoſe fidelity to him was his only crime. But if this monarch ſtill perſiſted in his ambitious deſigns; if his preſent conceſſions to

* Parliamentary Hiſtory, Vol. IX. p. 2.

parliament were no more than temporary expedients for procuring the ſupplies which he wanted; and if the death of Lord Strafford was merely a ſacrifice, to avert the national reſentment, and, by a ſeeming atonement for paſt offences, to deliver the king from his preſent embarraſſment; if this, as there is good reaſon to believe, was the real ſtate of the fact, it is hardly poſſible for imagination to figure a more glaring inſtance of meanneſs, of perfidy, and of barbarity.

It will throw light upon the feelings of this monarch to recollect the terms of a letter which, after he had given his conſent to the bill of attainder, he wrote, with his own hand, to the houſe of peers, expreſſing a ſtrong deſire that Strafford's life might be ſpared. The letter concludes with this extraordinary poſtſcript: "If he muſt die, it were charity to reprieve him till Saturday." The only apology that has been invented for this brutal indifference is, that the poſtſcript was probably dictated by the queen, who, it ſeems, bore no good-will to Strafford *.

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* See Life of Charles I. by William Harris.—King Charles's Works, p. 138; Burnet's Hiſt. Vol. I.

The condemnation and execution of archbiſhop Laud were delayed for ſome years; and in peruſing the hiſtory of thoſe times, the rigorous puniſhment of this old and infirm eccleſiaſtic, when the conteſt had come to be decided by force, is apt to be regarded as an unneceſſary ſtrain of ſeverity. He had not the ſame abilities with Strafford, to render him formidable; nor had his character been in the ſame manner rendered odious by political apoſtacy. He was, however, the firm aſſociate and coadjutor of that nobleman, and was equally guilty of a deliberate attempt to ſubvert the conſtitution; nor can it eſcape obſervation, that, from the department in which he acted, the ſuperintendance of the great machine of the hierarchy, he was capable of doing more miſchief, by poiſoning the minds of the people, and ſowing the ſeeds of a tyranny more luxuriant, more extenſive, and more deeply rooted. The vigour, the activity, and the high ſentiments of liberty which, from the beginning of this parliament, had been diſplayed by a great majority of its members, were at the ſame time warmly and uniformly ſupported by the general ſpirit which prevailed throughout the

nation. Petitions againſt the arbitrary meaſures of the court pouring in from every quarter, contributed to animate the commons in their endeavours to reform abuſes. The other miniſters and inſtruments of Charles were either forced, by flight, to ſave themſelves from the terrors of an impeachment, or, if their obſcurity rendered them leſs obnoxious, they remained in ſilent apprehenſion, leſt, by oppoſing the popular current, they might provoke their deſtiny.

The lower houſe proceeded unanimouſly to declare, that the impoſition of ſhip-money by the king was contrary to the fundamental laws of the kingdom; and that the ſheriffs, who had iſſued the writs on that occaſion, as well as the perſons who had been employed in levying the tax, were liable to puniſhment. In this declaration they were joined by the unanimous voice of the peers, who farther ordained that the judgment given in Mr. Hambden's caſe ſhould be cancelled in their preſence. A ſimilar judgment was paſſed upon the levying of tonnage and poundage, without conſent of parliament, and upon the late collectors of this duty, and, in order to aſcertain, for the future, the

the exclusive power of that assembly, in this respect the tax was now voted for two months only, and afterwards renewed for very short periods. The enlargement of the forests, the revival of monopolies, which had been lately abolished by the legislature; every illegal method of raising money, or unwarrantable exertion of prerogative; the arbitrary interposition of the star-chamber, and high commission, and the corrupt and oppressive decisions of the ordinary judges, were subjected to severe scrutiny, and stigmatised with strong marks of disapprobation and censure*.

These resolutions and declarations were sufficient to demonstrate the sentiments of parliament, and of the nation; but hitherto no provision had been made against the future encroachments of prerogative. The government was not in a better condition than at the time when the petition of right had passed into a law; and the public had no security against the monarch, after being freed from his present embarrassment, renewing his former pretensions, and resuming that system of conduct which he had been compelled to abandon.

* See Hume.

From the time when the great body of the people had acquired a degree of opulence and independence, the frequent meetings of the national council had been deemed eſſential to the preſervation of liberty. During the ſitting of parliament the attention of the community was awakened to political diſcuſſions; the proceedings of the executive power were ſcrutinized, and held up to public notice; and the nation was poſſeſſed of a great organ, by which its grievances and its demands could be communicated to the monarch, with a force and energy often irreſiſtible. But, in the intervals between thoſe great councils, the voice of the legislature was not heard; there exiſted no ſuperior power to controul the abuſes of adminiſtration; no monitor to warn and rouſe the people in defence of their privileges; and the uſurpations of the crown, if cautiouſly conducted, and artfully diſguiſed, were likely in many caſes to paſs unobſerved. If the country was maintained in peace and tranquillity; if arts and manufactures were protected, and continued in a flouriſhing condition; if the inhabitants did not feel themſelves groſsly oppreſſed or injured in their private rights; they were not

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apt to teſtify much uneaſineſs from the illegal meaſures of government, or to complain even of clear and palpable violations of the conſtitution.

To avoid the meetings of parliament, therefore, became the great object of the crown; in the proſecution of which, Charles had been ſo ſucceſsful, as for a period of more than eleven years to have avoided the neceſſity of calling that aſſembly. The very mention of parliaments, during this period, was regarded as a kind of ſedition, and upon that account ſtrictly prohibited. It is not ſurpriſing that, in the preſent emergency, when the king had been obliged to renounce thoſe heretical doctrines, and to ſolicit once more the aſſiſtance of his national council, it ſhould have been thought indiſpenſably neceſſary to prevent the recurrence of meaſures ſo completely deſpotical, and effectually to ſecure this great palladium of the conſtitution.

While the feudal ariſtocracy remained in its vigour, the barons, who were the principal part of this council, were not very anxious about the regularity or frequency of its meetings. Relying upon the number and fidelity

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of their vaſſals, they truſted more to their proweſs in the field, than to their eloquence or addreſs in the cabinet. We find, however, ſo early as the reign of Edward the Third, a proviſion by two ſeveral ſtatutes, that parliaments ſhall be held *once every year, or oftener, if need be* *. This law had never been repealed, though, from the ſtate of the kingdom, for ſeveral centuries, it had excited but little attention. When the commons had acquired ſome weight in the conſtitution, they generally threw themſelves into the ſcale of the prerogative; and it became as much the intereſt of the king to call frequent meetings of parliament, as it was that of the barons to avoid them. This was the caſe during the latter part of the Plantagenet line, and under the whole government of the Tudor princes; during which, it ſhould ſeem that this point had never become the ſubject either of diſcuſſion or controverſy. But after the acceſſion of the Houſe of Stuart, when the intereſt and views of the different branches of the legiſlature underwent a total revolution, it was

* 4 Edw. III. c. 14. 36 Edw. III. c. 10.

was natural for the houſe of commons to look back to thoſe ancient ſtatutes by which the annual meetings of parliament were ſecured. They did not, indeed, think proper to inſiſt upon a literal obſervance of that regulation; but making allowance for the difference of times and circumſtances, they were willing to admit ſuch variations as might render it conſiſtent with the eaſe and convenience of the crown. Inſtead of calling parliaments annually, it was thought reaſonable that the king ſhould, at leaſt once in three years, be obliged to convene thoſe aſſemblies; and a bill for that purpoſe was introduced by the commons, and paſſed through both houſes. To ſecure the obſervance of this regulation, it was provided, that if the chancellor failed to iſſue writs every third year, any twelve peers might exerciſe that power; that, in their default, the ſheriffs and other returning officers might ſummon the electors; and, laſtly, that the voters, if not ſummoned, might aſſemble of their own accord and elect repreſentatives. It was further provided, that after the two houſes of parliament had met, they ſhould not, without their

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own conſent, be either prorogued or diſſolved within the ſpace of fifty days.

While this and other ſalutary regulations were under the conſideration of parliament, there was good reaſon to apprehend, what had happened on ſo many former occaſions, that their deliberations, however important, might be cut ſhort by a ſudden diſſolution.[1] Unleſs they could guard againſt this fatal interruption, it was needleſs to propoſe a reformation of abuſes; and while their members expoſed themſelves to great perſonal danger from the reſentment of the crown, there was nearly a certainty that their labours would be rendered abortive. The neceſſity of the caſe, therefore, appeared to juſtify an extraordinary precaution, and a bill was carried through both houſes, importing, that until the preſent grievances were redreſſed, they ſhould not, without their own concurrence, be diſſolved *.

Among the various tools employed by Charles for the execution of his meaſures, the readieſt, and the moſt ſubſervient to his purpoſes,

[1] Whitlock's Memorials, page 45.

poſes, were the courts of ſtar-chamber and high-commiſſion.

The former of theſe tribunals aroſe from an idea entertained by the lawyers of an early age, that the rules of criminal juſtice could not be extended to the numberleſs inſtances of delinquency which occur in ſociety; and that, of conſequence, a diſcretionary power was neceſſary for taking cognizance of extraordinary offences. This juriſdiction was naturally aſſumed by the king and privy council, with the aſſiſtance of his ordinary judges, or of ſuch individuals as he thought proper to call in particular caſes.

It is probable that, in the infancy of judicial procedure, when the ordinary courts, from their narrow experience, were extremely cautious and timid in explaining the rules of juſtice, or when, from a ſuſpicion of their partiality, it appeared expedient to limit and circumſcribe their deciſions within the ſtrict letter of the law, this ultimate remedy, to ſupply the defect of every other juriſdiction; a remedy which probably was applied very ſparingly, and with great moderation, proved of ſignal advantage to the public. It is remark-

able that, even in the days of Lord Bacon, the interpoſitions of the ſtar-chamber, which had then been rendered more extenſive than formerly, are highly extolled by that eminent lawyer and philoſopher.

In the progreſs of ſociety, however, the rules of law were gradually enlarged and extended to a much greater diverſity of caſes; and courts of an undefined and arbitrary juriſdiction, as they were found highly inconvenient and dangerous, became, at the ſame time, ſuperfluous and uſeleſs. But of all the tribunals inveſted with diſcretionary powers, that of the ſtar-chamber appeared the moſt liable to abuſes. The particular crimes, or offences, which chiefly fell under its cognizance, were ſuch as immediately affected the intereſt of the crown; ſo that while the court was confeſſedly tied to no rule, the judges were either parties, or, what amounts to the ſame thing, under the direction of a party. It happened, therefore, as might be expected, that whenever the king adventured to ſtretch his prerogative beyond the bounds of law; when he wiſhed to levy money under the pretence of a loan or benevolence; when he wanted to enforce the

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royal proclamations, and put them upon a level with acts of parliament; or when he was diſpoſed to puniſh any perſon who, by oppoſing his meaſures, or by ſounding an alarm to the people, had incurred his diſpleaſure; in all ſuch caſes this was the court to which he applied, and in which never failed to procure a deciſion according to his wiſhes. A tribunal of this nature was a ſort of excreſcence, whoſe polluted and cancerous fibres were likely to contaminate the whole conſtitution, and which, independently of the diſtempers of the preſent reign, there was an urgent neceſſity to lop off and eradicate.

The high commiſſion, as was mentioned in a former part of this diſcourſe, had obtained a ſimilar province in ſpiritual, to that of the ſtar-chamber in temporal matters. During the firſt fervour of religious reformation, it had been thought expedient that government ſhould controul and direct the faith of individuals; and that a court ſhould be appointed for the ſole purpoſe of reſtraining hereſies, as well as for puniſhing all offences againſt the order and dignity of the church. This tribunal was at firſt levelled principally againſt

againſt the Roman catholics; but came afterwards to be a weapon, in the hands of the clergy, and conſequently of the ſovereign, for the ſupport of the hierarchy, and for depreſſing thoſe branches of the ſectaries which had become eminent or obnoxious. Being in reality a court of inquiſition, unconfined by rules, and actuated by the love of clerical domination, as well as by that rancorous hatred which is the offspring of religious controverſy, its proceedings in the department belonging to it, were, if poſſible, ſtill more oppreſſive and arbitrary than thoſe of the ſtar-chamber; at the ſame time, having aſſumed the power of enforcing its decrees by fine and impriſonment, it was enabled to acquire a moſt extenſive authority. The ſame obſervation, which already has been made with reſpect to the ſtar-chamber, is alſo applicable to the court of high commiſſion; that it proceeded from conjunctures which had now ceaſed to exiſt. Whatever might be the pretences, during the heat of controverſy, at the beginning of the reformation, for eſtabliſhing ſuch an extraordinary juriſdiction, theſe could have no place after the new ſyſtem of religion

religion had obtained a complete victory, and gained a full and peaceable eſtabliſhment. Amid the diſorders which are apt to accompany a violent revolution, there may be ſome excuſe for the exerciſe of ſuch irregular and arbitrary powers as would be altogether inadmiſſible and intolerable in times of peace and tranquillity.

It was thought proper, therefore, by the unanimous voice of both houſes of parliament, to aboliſh thoſe courts; a meaſure, which the changes in the ſtate of ſociety would have recommended even at a time when no danger was apprehended from the encroachments of prerogative; but which, in the preſent circumſtances of the nation, and under the impreſſion made by the conduct and temper of the monarch, appeared immediately and indiſpenſably neceſſary.

To all theſe important bills the king was prevailed upon to give the royal aſſent; and if he had done nothing, in the mean time, to call in queſtion the ſincerity of his compliances, it is probable that parliament, and the nation, would have been ſatisfied with the redreſs which they had procured, and with

the amendments on the conſtitution which had been introduced. But they ſoon found reaſon to believe, that, in theſe conceſſions, the monarch was far from being ſincere. When Charles called this parliament, he muſt have expected a good deal of clamour; that grievances would echo from every quarter; and that liberal promiſes of redreſs and amendment, as a previous ſtep to obtaining ſupplies, would be unavoidable. For all this, it is not unlikely, he was prepared; and had made a virtue of neceſſity. But when he ſaw that the regulations propoſed by parliament ſtruck at the root of all his projects; carried their defenſive operations into all the departments of the ſtate; and would effectually prevent his recurring to thoſe expedients which he had formerly employed in the extenſion of his prerogative, he was thrown into the utmoſt conſternation and perplexity. Parliament had now ſhewn that they would grant no money except upon their own terms; and ſuch was the tide of popular opinion, that, without their conſent, no conſiderable ſupplies could be expected. There ſeemed only to remain, therefore, in his preſent ſituation, the alterna-

tive of abandoning altogether his deſign to change the conſtitution, or of endeavouring, by ſome deſperate enterprize, to extricate himſelf from the ſurrounding difficulties.

The Scottiſh army, which, after its ſucceſs, had penetrated into England, and ſtill remained in the country, had not only been the cauſe of ſummoning the preſent parliament; but alſo, by its well known diſpoſition to ſupport the popular party, had contributed to promote the vigorous and ſpirited reſolutions of that aſſembly. The Engliſh forces, on the other hand, were not yet diſbanded; and though their late diſcomfiture had been chiefly imputed to their not being hearty in the quarrel, it was believed that, by ſowing a national jealouſy between the two armies, and by repreſenting parliament as partial to the Scots, the Engliſh might be gained over to the intereſt of the king. To this end a conſpiracy was formed by ſeveral military officers of diſtinction, together with certain agents employed by the queen; and it was concerted, as there is good reaſon to believe, that the Engliſh army ſhould be brought up to London, in order to take poſſeſſion of the tower, to overawe the

parliament, and to procure a permanent ſettlement of the king's revenue. As the plan was never carried into execution, ſome doubts have ariſen concerning the preciſe view and intention of the conſpirators. But that they intended, in ſome ſhape or other, to employ the army for the purpoſe of preventing the two houſes of parliament from proſecuting the meaſures in which they were engaged; that they meant to controul the deliberations of the legiſlature, by the terrors, or by the actual interference of a military force, there can be no room to doubt. It appears alſo to be proved beyond the ſhadow of controverſy, notwithſtanding the awkward attempts of ſome authors to conceal or diſguiſe the fact, that this project was communicated to the king, and carried on with his approbation and concurrence *.

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* The greater part of the conſpirators made their eſcape. Percy, one of the chief of them, wrote to his brother, the Earl of Northumberland, a letter dated 14th June 1641, in which he confeſſed the principal facts alleged. Goring, another conſpirator, was laid hold of, and repeatedly examined by the commons. His depoſition, though he endeavours to palliate his own conduct in the tranſaction, tallies

The diſcovery of this plot, which happened while the king was apparently purſuing a ſyſtem of conciliation with his great council, and was pretending heartily to agree in the ſchemes propoſed for the redreſs of grievances, opened a ſcene of diſſimulation and perfidy, which could not fail to excite the moſt alarming apprehenſions. What confidence could be repoſed in the profeſſions of a prince who ſolicited, in ſecret, the aſſiſtance of the military power, to deliver him from thoſe regulations and meaſures with which he publicly expreſſed his entire ſatisfaction?

This incident was followed immediately by the inſurrection of the Roman catholics

tallies in good meaſure with Percy's letter. The draught of a petition, from the army to the king and parliament, had been privately communicated to Charles, and counterſigned by him, with the letters C. R. in token of his approbation. See the whole of the depoſitions relative to this tranſaction, in Ruſh. Col. vol. IV.

It has been obſerved, upon this ſubject, that neither Goring, upon his examination, nor Percy in his letter, were thought by Charles to have ſaid too much. Since the former was continued in his government of Portsmouth, and the latter afterwards made a lord, and maſter of horſe to the Prince of Wales. See Harris's life of Charles I.

in Ireland, and the maſſacre of their proteſtant fellow ſubjects. Whether Charles had promoted and inſtigated this inſurrection, as was pretended by the inſurgents, appears not very eaſy to determine. That he had any ſhare in the bloody tragedy which was acted upon that occaſion, his bittereſt enemies have never alleged. But, conſidering the views of this monarch, it was natural to ſuſpect, that he ſecretly wiſhed the Roman catholics, to whom he had ſhewn ſo much favour, ſhould take up arms in defence of his prerogative; or even that he might propoſe to reap ſome advantage, by having a pretence for ſetting himſelf at the head of an Engliſh army to march againſt the inſurgents. The tranſactions which he afterwards concluded with the Iriſh rebels, or which were concluded in his name, have rather a tendency to confirm this unfavourable ſuſpicion *. But whatever opinion, upon this point, we may at preſent be diſpoſed to entertain, it is not ſurpriſing, that, from

* See the facts reſpecting the acceſſion of Charles to the Iriſh inſurrection—Rapin's hiſtory of England—Macauley's history of England—Harris's life of Charles I. —On the other hand, the vindication of Charles in Hume's history of England.

from the character of Charles, and his equivocal behaviour, ſuch reports to his prejudice, which were then univerſally, and perhaps maliciouſly circulated, ſhould have made a ſtrong impreſſion upon the public, and increaſed the general anxiety and terror reſpecting the danger to which the conſtitution was expoſed.

In their efforts to reſtrain the encroachments of prerogative, the parliament had been conſtantly oppoſed and obſtructed by the votes of the biſhops in the upper houſe, and by the intereſt of the clergy throughout the nation. The puritans, on the other hand, had been uniformly diſtinguiſhed by their zeal in oppoſing the meaſures of the court, and in ſupporting the claims of parliament. It is no wonder, therefore, that the real friends of the conſtitution were irritated and provoked by the former, and warmed with ſentiments of gratitude and affection towards the latter. The preſbyterians and independents in the houſe of commons formed, at the ſame time, a numerous party, whoſe political principles were unavoidably warped by their religious tenets, and who, doubtleſs, were glad of any pretence for invading the hierarchy.

But, independent of all party connections, and party prejudices, the circumſtances of that critical period might naturally give riſe to a queſtion, how far the ſecular power of the biſhops was conſiſtent with ſound policy; and whether, conſidering their ſtrong propenſity to ſupport the arbitrary meaſures of the king, their interpoſition, as members of the houſe of peers, was not likely to prevent the eſtabliſhment of any permanent ſyſtem of liberty.

According to the principles of the ancient feudal ſyſtem, the dignified clergy, being poſſeſſed of large eſtates, enjoyed an extenſive juriſdiction over their tenants and vaſſals, and were, equally with the lay-barons, entitled to vote in the great aſſembly of the nation. By their ſituation they were, at the ſame time, independent, in a great meaſure, of the civil power; and having a ſeparate intereſt from that of the king or of the nobles, they claimed a diſtinct voice in the legiſlature, and formed one of the three eſtates of the kingdom.

But the revival of letters, and the religious reformation which followed the improvement of arts and manufactures, produced a great revolution in the circumſtances of churchmen, and

and in the rank and dignity which they held, either as members of parliament, or of the nation at large. The diſſipation of the clouds of ſuperſtition which formerly hung over the minds of men had greatly diminiſhed the ſpiritual influence of thoſe ghoſtly fathers. The dignified clergy were now in the appointment of the crown, and the whole order looked up to the ſovereign as the great ſource of their preferment. So far were the biſhops from conſtituting a ſeparate eſtate and maintaining a diſtinct negative in the national council, that they were become ſubordinate to another branch of the legiſlature; and their weight was now uniformly thrown into that ſcale which it had been formerly employed to counterbalance. Whatever was the original purpoſe, therefore, of bringing the biſhops into parliament, this could no longer be ſerved; but, on the contrary, was likely to be counteracted and fruſtrated by their continuance in that aſſembly. If they had formerly maintained a proper balance between the different powers of the ſtate, it was evident that, by a reverſe of ſituation, their exertions were now calculated

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to produce the oppoſite effect, and to deſtroy this equilibrium.

With equal reaſon it might be contended, that the higher officers of the army and revenue, as that the dignified clergy ſhould, in virtue of their places, have a ſeat in parliament; ſince both of thoſe claſſes depend equally upon the crown for their emolument and rank; and ſince the former are not in more hazard than the latter of being influenced by thoſe motives of private intereſt which govern the greater part of mankind.

There is, at the ſame time, no pretence for allowing the church, conſidered as a great corporation, to ſend repreſentatives to the national council. Suppoſing the eccleſiaſtical to be diſtinct from the temporal intereſt, and to require a ſeparate management, an effectual proviſion was made in its favour by the right of holding *convocations*; which, at the period now under conſideration, exerciſed, as will be obſerved more fully hereafter, the excluſive privilege of taxing the clergy. But in reality there is no ground for beſtowing upon the church, or any other ſocieties, in their collective capacity, any peculiar ſhare in the legiſla-

ture farther than is enjoyed by the individuals of which they are compoſed. If the inhabitants of a country are ſingly poſſeſſed of a due proportion of political power in the election of repreſentatives, this will enable them to take ſufficient care of their intereſt, even ſo far as they happen to be united in corporate bodies; and it ſhould ſeem that ſuch corporations have no juſt claim to any additional repreſentation.

Had the biſhops, on this great emergency, behaved with common diſcretion; had they ſhewn, in the numerous important queſtions which occurred, a decent regard to the public intereſt; had they not, in fact, ſhewn themſelves to be the mere tools of the monarch, determined to perſiſt, without ſhame or ſcruple, in promoting his deſigns; it is highly probable that their privileges, however inconſiſtent with the preſent ſtate of eccleſiaſtical livings, would never have been invaded, and that no attempt would have been made to deprive them of their ſeats in parliament. But, as they had inliſted under the banner of deſpotiſm, their political power became a ſacrifice to that limited monarchy which parliament had reſolved to eſtabliſh.

In

In this particular, however, the opinions entertained by the real friends of the conſtitution being more various, the attempts to diminiſh the power of the biſhops were proſecuted with leſs unanimity than had appeared in relation to the other meaſures for ſetting bounds to the prerogative. A bill was firſt paſſed in the houſe of commons to reſtrain perſons in holy orders from intermeddling in ſecular affairs; but this was rejected in the upper houſe. Another bill was introduced for aboliſhing entirely the power of biſhops, and of all other eccleſiaſtical dignitaries: this was unſucceſsful among the commons themſelves.

Theſe attacks were followed by an accuſation of high crimes and miſdemeanours againſt the biſhops who had been concerned in the eſtabliſhment of the late eccleſiaſtical canons, and in other innovations with reſpect to the diſcipline of the church; and this charge was accompanied by a demand on the part of the commons, that thoſe prelates, during the dependence of the trial, ſhould be excluded from the privilege of voting in parliament. The reſentment of the populace, in the mean time, occaſioned ſuch tumults, that the biſhops, finding

finding it unſafe to appear in public, had the imprudence to preſent to the king and to the peers a proteſtation that all proceedings in parliament, during their abſence, ſhould be held null and void. This was conſidered by both houſes as a violent attempt to ſubvert the fundamental laws of parliament; and was made the ſubject of an impeachment for high treaſon, upon which thoſe prelates were taken into cuſtody.

By the progreſſive meaſures which had already been executed, or which were manifeſtly in contemplation of the patriotic party, it ſhould ſeem that the patience of Charles was entirely exhauſted, and that he was no longer able to maintain the temporiſing ſyſtem of diſſimulation which he had hitherto practiſed. In ſpite of every prudential conſideration, and throwing aſide all regard to conſiſtency of conduct, he now appears to have taken a reſolution of yielding to the violence of his temper, and attempting by force to ſubdue all oppoſition. Having ſuddenly given orders that Lord Kimbolton, among the peers, and five members of the houſe of commons, ſhould be accuſed of high treaſon, and having ſent to the

commons to demand that theſe five members ſhould be delivered up to him, to which meſſage no poſitive anſwer was returned, he came next day with an armed retinue into the lower houſe; and having occupied the chair of the ſpeaker, he demanded to know whether any of theſe members were preſent, declaring, "that he muſt have them whereſoever he could find them *."

The warmeſt friends of Charles have condemned this meaſure as the height of raſhneſs and folly; but they would gladly overlook the chief point of view in which it deſerves to be conſidered, as affording complete evidence of the arbitrary principles by which he was governed, and of the ſecret motives by which, in all his tranſactions with parliament, he had hitherto been actuated. The guilt imputed to theſe individuals, it was well known, conſiſted of the ſhare they had taken in the deliberations and reſolutions of that aſſembly; and with equal reaſon the ſame charge might have been brought againſt the majority of both houſes. So far was he, therefore, from regarding the late

* See Whitlocke's Ruſhworth.

late acts of parliament, which he had confirmed by the ſanction of royal authority, as binding either upon him or upon the nation, that he held thoſe regulations to be the moſt atrocious offences, and looked upon every perſon who had been acceſſary to their introduction as liable to a capital puniſhment.

The views and principles of Charles were not more apparent from the nature of this accuſation, than from the manner in which it was conducted. That the king ſhould not, in any ſhape, interfere in the deliberations of parliament, was a maxim underſtood in the former reign to be fully ſettled. But that, with an armed force, he ſhould come in perſon into the houſe of commons to intimidate its members, and, without farther ceremony, to ſeize and impriſon thoſe individuals who, by their conduct in parliament, had incurred his diſpleaſure, was an exertion of deſpotic power and violence of which no precedent occurred in the annals of parliament, and which plainly intimated that the king, by his prerogative, might at pleaſure diſpenſe with all the privileges of that aſſembly.

That

That the members of parliament were not exempted from proſecutions, either for high treaſon, or for other great crimes, was univerſally admitted; but when an accuſation was brought againſt them upon points relating to their conduct in that aſſembly, it was thought requiſite, as a preliminary ſtep, that the houſe of parliament to which they belonged, ſhould be ſatisfied concerning the grounds of the charge, and ſhould deliver up its reſpective members to juſtice. If this form were not held indiſpenſably neceſſary, the freedom and independence of parliament muſt be deſtroyed; as, in critical queſtions, it would always be in the power of adminiſtration, by ſudden and groundleſs accuſations, to deprive the legiſlature of ſuch members as had rendered themſelves obnoxious, and were moſt likely to fruſtrate the meaſures of the crown. No danger, on the other hand, could with reaſon be apprehended from this privilege of parliament; for it never could be ſuppoſed that, when a crime of an atrocious nature had really been committed, the majority of either houſe would be ſo corrupt, or ſo fooliſh, as to oppoſe the trial of its members.

By

By the alarm and commotion which this extraordinary meaſure excited in the city, and through the nation, Charles was at length convinced of its imprudence; but he found that the impreſſion which it had made was not to be eraſed by appearances of repentance, nor even by profeſſions of future amendment. The bill for depriving the biſhops of their ſeats in parliament now paſſed the houſe of peers; and to this the royal aſſent was given without delay. According as the behaviour of the king had created a ſtronger ſuſpicion of his deſigns, it ſeemed neceſſary to lay a greater reſtraint upon his actions; and the commons accordingly roſe in their demands. Nothing leſs than the obtaining ſome influence over the military force of the kingdom was now capable of yielding them ſatisfaction; and as, notwithſtanding the diſuſe of the feudal ſervices in the field, there ſtill remained a ſhadow of the ancient militia, under the command of the lieutenants of counties, a bill was carried through both houſes, containing a nomination of thoſe officers, and rendering them accountable for their conduct to parliament. The authority

acquired by this regulation was intended to counterbalance, in ſome degree, the direction of the mercenary troops with which the ſovereign was inveſted. But though Charles was deſirous, by his conceſſions, to regain the confidence of the nation, he could not be prevailed upon to relinquiſh a branch of prerogative ſo eſſential to his darling ſchemes; and he rather choſe to hazard a new rupture than give his aſſent to the bill.

Both parties now began to deſpair of ſettling their differences in an amicable manner; and looking forward to another, and what ſeemed a more effectual method of deciſion, endeavoured to collect a military force. The king retired to York, where he was attended by ſuch of the nobility and gentry as were diſpoſed to ſupport his pretenſions. The parliament, wiſhing to ſecure a magazine of arms, took poſſeſſion, for that purpoſe, of Hull, by appointing a governor of the place under their own direction. The ſubſequent remonſtrances, or propoſals of accommodation, which paſſed upon either ſide, are of little moment; as no other benefit ſeems to have been expected from them than merely to procur

procure delays, or to create an impreſſion throughout the nation, which might be favourable to the warlike preparations either of the king or parliament.

Whoever examines with attention the proceedings of this parliament, from their firſt meeting to the commencement of the civil war, will eaſily perceive that their views were ſomewhat different from thoſe of the four preceding parliaments; and perhaps will find reaſon to conclude, that they did not continue, throughout the whole of this period, invariably the ſame. It was the object of this parliament to reform ſuch parts of the conſtitution as were groſsly defective; but their plan of reformation was neceſſarily varied and extended according to the preſſure of circumſtances; and in proportion to their diſcoveries of the hazard to which they were expoſed from the temper and diſpoſition of the king, they were led to inſiſt upon a greater limitation of his powers. How far they were juſtified in all their demands, has been the ſubject of much controverſy. To judge candidly of their behaviour, we muſt enter into the ſituation in which they were placed, and make

allowance for the difficulties with which they were ſurrounded; we muſt alſo make allowance for the paſſions under which they were obliged to form ſudden reſolutions; for the jarring opinions, the irregular influence, and the accidental humours of individuals; for the ſlippery ground of popular favour upon which they ſtood; and for the errors and prepoſſeſſions from which, in an age when philoſophy was far from its meridian height, they could not be exempted. With theſe allowances they will not only be acquitted of any bad intention, but will appear entitled to a high degree of approbation, even to the warmeſt gratitude of poſterity. However much they might be tinctured by enthuſiaſm and religious prejudices, they ſeem to have acted from pure and diſintereſted motives; and were neither ſeduced nor intimidated, upon any occaſion, to ſwerve from thoſe patriotic principles by which they profeſſed to be guided. It would perhaps be difficult, even at this day, to point out a line of conduct more eligible than that which they purſued; and which, with no greater deviation from the former practice, would be better calculated to fruſtrate the ambitious

bitious deſigns of Charles, or to guard againſt the attempts of any future monarch for ſubverting the conſtitution.

That the parliament had, at this time, any intention to overturn the monarchy, and to eſtabliſh a republican form of government, there is no good reaſon to ſuppoſe. After all the regulations which this parliament introduced, the ſovereign ſtill remained in the poſſeſſion of very ample powers. He ſtill would have enjoyed a voice in the legiſlature. He would ſtill have exerciſed the power of collecting and diſpoſing of the public revenue at his diſcretion. He would ſtill have remained the fountain of honour; would have nominated all the judges during pleaſure; and have had the ſole privilege of declaring peace and war, with that of levying and commanding all the mercenary forces of the kingdom. In a word, his direct authority would have been more abſolute than that of the Britiſh monarch at preſent. The patriots of that day overlooked a variety of limitations upon the crown, which the more enlarged experience of a later period has taught the Engliſh nation to eſtabliſh. They had no thought of a permanent

proviſion, to prevent extravagance and bad economy in the expenditure of public money. They ſuggeſted no reſtriction with reſpect to the number of ſtanding forces maintained in time of peace. Though they prohibited the king from extending martial law to the whole community, they put no reſtraint upon him in the application of that ſyſtem to the army. They made no attempt to ſecure the independence of judges, by fixing their nomination for life. Having no ſuſpicion of any undue influence which the king might obtain over parliaments, they permitted him to continue the ſame parliament as long as he pleaſed. In all theſe particulars, it was found neceſſary to make additional regulations upon the acceſſion of William the Third; from which it may with reaſon be inferred, that the parliament which met in the latter part of the year 1640, inſtead of being liable to the cenſure of doing too much, was rather expoſed to that of having done too little, for preventing the encroachments of prerogative.

With reſpect to the conduct of Charles during this period, we meet with no important variation: The ſame arbitrary ſyſtem invariably

variably purſued, and by the ſame unſcrupulous means of diſſimulation and duplicity. To thoſe, indeed, who look no further than the immediate tranſactions, and who are unable to trace the intention and motives of the parties, it may ſeem that the ground of the diſpute had been changed; while parliament was labouring to introduce a ſet of palpable innovations; and the king, who certainly conſented to theſe with reluctance, is preſented to us in the light of a ſecret friend to the old conſtitution. This is the aſpect of the controverſy, which thoſe authors who attempt to excuſe or juſtify the monarch, are at great pains to exhibit, and to which they would willingly confine the attention of the reader. They endeavour to conceal, or to keep out of view, the former meaſures of the ſovereign, by which he had ſubverted the fundamental laws of the kingdom, and the evidence which had occurred of his obſtinate reſolution to perſiſt in the ſame deſigns. Thus they impute to parliament the offences, in reality, committed by the king; and repreſent as violations of the conſtitution the regulations which had become abſolutely neceſſary for its preſervation;

that is, they conſider as a poiſon the antidote given to prevent its baneful effects.

SECTION IV.

OF THE REIGN OF CHARLES THE FIRST, FROM THE COMMENCEMENT OF THE CIVIL WAR TO HIS DEATH.

THE progreſs of the civil war was productive of many and great alterations, both in the ſtate of the contending parties, and in the temper and diſpoſition of the nation. After the king and parliament had appealed to the ſword, as the ſole arbiter of their differences, they were no longer capable of retreating; and it was vain to ſhrink from a deciſion which muſt render the one or the other party completely triumphant. Both became ſenſible that their all was at ſtake; and that nothing but a deciſive victory could either ſupport their reſpective claims, or enſure their perſonal ſafety. From their mutual exertions in proſecuting the quarrel, and from the dangers and bad treatment to which they were continually expoſed, their

their paſſions were daily inflamed and rendered more furious; while every new advantage, upon either ſide, becoming the ſource of exultation and oppreſſion in the one party, and of provocation and reſentment to the other, contributed to widen the breach between them, and afforded freſh fuel to their mutual animoſities.

The progreſſive meaſures which, during the whole reign of James, and in the former part of that of Charles, were gradually adopted by parliaments, have already been pointed out. Before the year 1640, thoſe great councils appear to have ſtood altogether upon the defenſive, and to have aimed at nothing further than barely to defend the ancient modes of government. From the meeting of what is called the Long Parliament, the abuſes committed by the king had given riſe to different views, and were thought to require more effectual precautions for ſecuring the liberties of the people. The various wheels and ſprings of the conſtitution having, from negligence, gone into diſorder, or being, from the inexperience of the original artificers, left, in ſome particulars, inaccurate and imperfect, the opportunity which

which then offered was accounted highly favourable, for repairing the ſtate machine, and for removing its defects or imperfections. Men who entertained this opinion were friends to the monarchy, while they attempted to impoſe new limitations upon the monarch; and were anxious to preſerve the ſpirit and principles of the conſtitution, though they contended that, in ſeveral of its parts, a reformation was indiſpenſably neceſſary.

How far the pruning hand of a reformer ſhould be permitted was a difficult queſtion; about which even ſpeculative reaſoners might eaſily differ; and upon which men who had oppoſite intereſts were by no means likely to agree. When all hopes of accommodation, upon this point, were completely blaſted, when both king and parliament had recourſe to arms, the popular party were puſhed on to greater extremities, and embraced a bolder ſyſtem of reformation. The oppoſition to the crown had proved ſo ineffectual; the power, the influence, and the reſources of the king were ſo extenſive; and the artifices by which he might elude the controul of the legiſlature, and undermine the privileges of the people, had

had been found ſo numerous and ſo various, that every attempt to confine the prerogative within due bounds, was in danger of being regarded as deſperate. To many it appeared that the old conſtitution was no longer tenable, and that the only method of preventing the abuſes of regal power was to aboliſh it altogether. The exaltation, it was obſerved, of an individual to the rank of a ſovereign prince proves commonly ſuch an incentive to ambition, as renders him impatient of reſtraint, and diſſatisfied with any thing leſs than abſolute dominion. Accuſtomed to the high ſtation in which he is placed, and having received it through a long line of anceſtors, he is apt to look upon it as his birthright; and inſtead of conceiving it to be an office derived ultimately from the conſent of the people, or beſtowed upon him for their benefit, he is diſpoſed to conſider it in the light of a private eſtate, intended for his own uſe, and to be enjoyed at his diſcretion. By the natural order of things; that is, by the diſpoſition of Providence, it appears to be his province to command, as it is that of his ſubjects to obey; and every effort, upon their part, to limit his authority

authority, is regarded by him as an act of rebellion, which, in duty to himself and his poſterity, and in the capacity of the vice-gerent of heaven, he is bound to elude by artifice or repel by force.

To avoid theſe dangers to liberty, with which recent events had ſtrongly impreſſed men's minds, it was by ſome thought requiſite to aboliſh the kingly office altogether, and theſe republican doctrines came to be propagated eſpecially by men of knowledge and ſpeculation, who reaſoned upon the general principles of government, and compared the different political ſyſtems which have taken place in different ages and countries. Thoſe who conſider the uſual incitements to genius will not be ſurpriſed to find, that, amidſt all the diſorders of that period, the number of ſpeculative reaſoners upon government was far from being inconſiderable. The important diſputes, and violent ſtruggle in which a great part of the nation was engaged, by awakening a ſpirit of activity and enterpriſe, contributed to accelerate, inſtead of retarding the purſuits of ſcience and literature; and by opening to men of letters a wide field of ambition,

bition, excited them to cultivate their talents, and to bring forward their learning to the public. To the operation of ſuch cauſes we may, in part at leaſt, refer the political treatiſes of Milton, which breathe that ardent love of liberty, and that vehement ſpirit of invective, to be expected from the ſublime author of Paradiſe Loſt; at the ſame time that they are apt, on ſome occaſions, to diſguſt the reader by an appearance of prejudice and prepoſſeſſion, and by an air of confidence and arrogance which runs throughout thoſe performances.

During the horrors of the civil war, a number of philoſophers, men totally free from the religious enthuſiaſm and party prejudices of the times, are ſaid to have employed themſelves in converſing and reaſoning upon political ſubjects. After the death of the king, theſe perſons were formed into a regular ſociety, for examining and diſcuſſing the moſt important queſtions concerning the beſt form of a commonwealth, and the advantages or diſadvantages of ſuch forms as had, in different periods of the world, been reduced into practice. The Oceana, and other diſcourſes,

publiſhed by Mr. Harrington, appear to have been, partly, the fruit of thoſe lucubrations. Theſe writings diſcover an extenſive knowledge of hiſtory, the moſt liberal views with reſpect to government, a thorough acquaintance with the true principles of democracy, and great ſkill and diſcernment in accommodating thoſe principles to the peculiar circumſtances of the Engliſh nation.

The chief inſtances of popular government, which had fallen under the experience of that age, were the celebrated republics of Greece and Rome; which, for the moſt part, were eſtabliſhed among a handful of people inhabiting a narrow diſtrict; in moſt caſes, a ſingle town with its dependencies. In theſe very limited ſtates, there was little inconvenience or difficulty in convening the whole people to deliberate on public affairs, and to exerciſe the ſupreme powers of government. The legiſlative power, therefore, together with a conſiderable part of the executive, was commonly lodged in the great body of the people; though the privilege of propoſing the ſubjects of deliberation to the legiſlative aſſembly was often committed, excluſively, to a ſmaller council,

council, or ſenate, compoſed of the higher order of citizens, or elected by the legiſlative body itſelf. A conſtitution of this nature was evidently impracticable in a large community, the members of which were ſpread over an extenſive country. In a great nation, like that of England, the aſſembling of the whole people to make laws, or to deliberate upon the national buſineſs, would produce a meeting ſo numerous and diſorderly, as muſt be incapable of any regular procedure, and liable to endleſs diſorders. But, fortunately, in Britain, the cuſtom of convening the repreſentatives of the people, as a conſtituent part of the legiſlature, had been long eſtabliſhed; and upon this principle Harrington, and the other ſpeculative politicians of that time, laid the foundation of that commonwealth which they recommended to their fellow citizens. They propoſed that the ſupreme powers of government ſhould be committed to a body of repreſentatives, choſen by the nation at large, in the manner which appeared the beſt calculated to prevent the effects of bribery and undue influence upon the electors; and in ſuch a moderate number as might enable them to maintain

tain the utmoſt regularity in their proceedings, and to extend their care and ſuperintendence to every department of adminiſtration. By this expedient it was thought, that the evils incident to kingly government on the one hand, and to pure democracy on the other, at leaſt in the ſhape in which it had been exhibited in the ancient republics, might be equally avoided. The dangers ariſing from the ignorance, the prejudices, the violence, and confuſion, of a large tumultuary aſſembly were effectually precluded; while the intereſt of the people at large was underſtood to be ſufficiently guarded by that controul and influence over their commiſſioners, which, from the frequency of elections, they might be expected to retain.

The commencement and progreſs of the civil war had an effect, no leſs remarkable, with reſpect to the religious, than with reſpect to the political ſentiments of the nation. From the increaſing heat of controverſy, and according as the adverſaries of the king had been more ſucceſsful, the oppoſition to the hierarchy became, of courſe, more violent. For ſome time after the acceſſion of James, the Puritans,

Puritans, under which denomination were comprehended all the proteſtant diſſenters, who were, for the moſt part, diſtributed into the two great branches of preſbyterians and independents, were contented with liberty of conſcience, and with an indulgence in their peculiar modes of worſhip. But the continuance of the controverſy ſuggeſted other views to thoſe two orders of ſectaries, and inſpired them with higher pretenſions. After the meeting of the long parliament, the preſbyterians, whoſe doctrines were ſupported by many leading members in that aſſembly, and particularly by a great majority in the houſe of commons, were encouraged to attempt the ſubverſion of the eſtabliſhed religion, by deſtroying all ſubordination in the rank and authority of churchmen. But when the king and parliament had come to decide their differences by force, even this religious reformation was held by many to be inſufficient: the opinions of men deviated ſtill farther from the old eſtabliſhment; and the independents, who rejected all interpoſition of the public, either in the appointment of the clergy, or in the care and direction of religion,

advanced, with rapid ſtrides, in conſideration and popularity,

The different principles of thoſe two branches of the ſectaries produced a natural conjunction, as was formerly mentioned, with the reſpective ſyſtems of the two great political parties now in oppoſition to the king. The preſbyterians, who, by aboliſhing the ſeveral ranks and dignities of the church, propoſed to emancipate the clergy from their dependence upon the crown, as well as to diminiſh their influence over the laity, were diſpoſed to ſupport the ſyſtem of thoſe political reformers, whoſe object it was to check the abuſes of prerogative, and circumſcribe without ſubverting the authority of the ſovereign. The independents, who advanced a ſtep further in relation to the church, puſhed alſo their political tenets to a proportional height, diſapproved of all eccleſiaſtical eſtabliſhments, and holding that every voluntary aſſociation of chriſtians ought to have the liberty of chooſing their own religious teachers, they were, in like manner, averſe from every modification of monarchy, and were led to join thoſe republicans who contended that all the executive

executive officers of the ſtate ſhould be under the appointment of the people.

As theſe republican doctrines were thus gaining ground in the nation, they made alſo conſiderable advances, though with leſs rapidity, in parliament. The leading members of that aſſembly, who had long acted in conſequence of their profeſſed opinions in favour of limited monarchy, were likely, the greater part of them, to retain their former ſentiments. If ſome, during the violence of the ſtruggle, were induced to aim at greater innovations, and to ſeek the total abolition of kingly power, there were others, corrupted by motives of intereſt, or alarmed by the ungovernable ſpirit of reformation which now diſcovered itſelf, who either ſeized the opportunity of joining the court, or thought proper to retire from public buſineſs. In a ſituation ſo new and hazardous, we need not wonder that ſeveral perſons, who had hitherto withſtood the encroachments of the prerogative, ſhould now ſhrink from a conteſt which threatened to involve the kingdom in anarchy and blood; and ſhould thus leave the field to men of keener tempers, and of more perſevering re-

ſolution. Lord Falkland, and Mr. Hide, whoſe abilities and perſonal character entitled them to great conſideration, and who, at the beginning of the long parliament, had ſtood forth in cenſuring the meaſures of the king, and concurred in the important regulations then introduced, deſerted their former political friends; but though they were now enliſted upon the ſide of the crown, they ſtill profeſſed a regard to the ancient conſtitution, and a diſpoſition to moderate the violent councils of Charles.

The proceedings of parliament were ſtill more affected by the death of ſome of its principal members. Soon after the parties had recourſe to arms, Mr. Hampden, whoſe inexible integrity, and ſound underſtanding, joined to his great modeſty and vigour of mind, had procured him almoſt equal influence in war and in peace, and, without the appearance, had rendered him the real leader of the whole party, was killed in an action, while he conducted the troops under his command to repel a ſudden attack of the enemy. The loſs of ſuch a man in that cloudy and tempeſtuous ſeaſon, may juſtly be regarded as a national

national calamity. He was, in religion, a preſbyterian; and, in politics, a ſteady adherent of the old conſtitution. His death was followed, ſoon after, by that of Mr. Pym, whoſe talents for public ſpeaking, and whoſe great experience in the buſineſs of parliament, had raiſed him to a principal ſhare in all the important tranſactions of that period. His eloquence diſtinguiſhed him above all his contemporaries, and is ſaid to have been productive of extraordinary effects. So far as we can form a judgment from the ſpecimens that have come down to us, he ſeems to ſpeak like a man who labours to convince and to perſuade, more than to entertain; and though liable, perhaps, to the imputation of ſome formality and prolixity, he diſcovers great ability in bringing many arguments to centre in one point; and preſenting ſuch views of a ſubject as are calculated to lay hold of the prejudices, and to overpower the reaſon of his hearers.

Notwithſtanding the extreme ſimplicity of manners and frugality for which Mr. Pym was noted; though, beſide his private fortune, he enjoyed a ſalary as maſter of the ordnance;

and though he acted in a high department, at a time when parliament, in open war with the king, had occaſion to manage conſiderable funds levied on that account; he died in great poverty, a ſatisfactory proof that he had ſerved the cauſe with diſintereſted fidelity. So ſenſible were the commons of his faithful ſervices, that they not only ordered a monument to be erected to his memory, and his corpſe to be interred in Weſtminſter-abbey, but alſo voted a conſiderable ſum of money for the payment of his debts.

While time and accidents were thus producing great changes in the leading characters who had hitherto appeared upon the ſtage, the war opened a new ſcene of action, and gave birth to a new ſet of talents and accompliſhments, by which individuals, formerly obſcure and unknown, roſe to conſideration and importance. Eloquence, and dexterity in managing parliamentary buſineſs, were now degraded into a ſecondary rank; and, in a great meaſure, eclipſed by that courage and conduct in the field, and by thoſe peculiar virtues and qualities diſplayed in the military profeſſion. Men who, by ſerving in a foreign country, had already

already acquired experience and reputation in war, were immediately placed in the higher military departments; while others, whoſe diſpoſition and genius peculiarly fitted them for the ſervice, found opportunities of ſignaliſing their activity, valour, or capacity, and were ſoon brought into notice.

The adherents of the king were chiefly compoſed of the nobility and higher gentry, men who, by their wealth and ſtation, had much to loſe; and who, in the annihilation of monarchy, and in the anarchy that was likely to follow, foreſaw the ruin of their fortunes, and the extinction of their conſideration and influence. The middling and inferior gentry, together with the inhabitants of towns; thoſe who entertained a jealousy of the nobles, and of the king, or who, by the changes in the state of ſociety, had lately been raiſed to independence, became, on the other hand, the great ſupporters of parliament, and formed the chief part of the armies levied by that aſſembly. The differences in the character and ſituation of the troops, which came, in this manner, to be arranged upon the oppoſite ſides, were very remarkable. The forces of the king were

commanded by officers whoſe rank in life had led them frequently to ſerve in the wars upon the continent, and who poſſeſſed a degree of influence over their followers, which, in ſome meaſure, ſupplied the want of military diſcipline. The armies of parliament, on the contrary, were compoſed of an unruly and diſorderly multitude, under the direction of perſons, who, for the moſt part, had no natural authority correſponding to their ſtations, and who, unleſs in a few inſtances, appear, at the beginning of the war, to have been deſtitute of military knowledge. Mr. Hume has, with his uſual diſcernment, pointed out the conſequences of theſe different ſituations, which are ſuch as might be expected. For ſome time after the war broke out, the king was generally ſucceſsful, and in every ſtruggle the forces of parliament were either worſted or rendered incapable of improving thoſe advantages which fortune threw in their way.

It might eaſily be foreſeen, however, that if the operations of the war ſhould be protracted for any conſiderable period, the fortune and circumſtances of the parties would be reverſed. The nobility, who ſupported the cauſe of the monarch,

monarch, were too independent and too jealous of each other to be reduced under proper ſubordination, and were fitter to act in ſeparate pillaging parties, at the head of their reſpective followers, than to unite and co-operate in ſuch a large body as the execution of a great enterpriſe might require. The parliamentary troops were in a different ſituation. Without any previous attachment to particular leaders, they acquired habits of ſubmiſſion to thoſe officers under whom they had fought; men who derived their preferment, not from their birth or their opulence, but from their military ſervices; and whom different degrees of experience, of capacity, and of ſucceſs, had eſtabliſhed in their ſeveral ſtations. As the forces of parliament comprehended the great maſs of the people, we need not wonder that when they came to ſurpaſs thoſe of the king in ſubordination and diſcipline, as well as in numbers, they ſhould immediately obtain a decided ſuperiority.

Among all thoſe who took party againſt the king, it is natural to ſuppoſe that ſuch as had taken up arms in the cauſe, and had, through the whole courſe of the conteſt, been retained

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in the ſervice, would be diſtinguiſhed by their zeal, and by the extremities to which they puſhed their ſyſtem of reformation. The greateſt part of theſe troops were, accordingly, independents in religion, and in the ſtate, republicans. That original ardour which led them to take ſo active a part in the controverſy, joined to the circumſtances which, during the progreſs of it, could not fail to inflame their paſſions, had confirmed their averſion to all regal power, and to all eccleſiaſtical eſtabliſhments, and had riveted their affections to an oppoſite ſyſtem, both of civil government and of religious worſhip.

By a ſingular concurrence of accidents, the command of the chief parliamentary army, towards the concluſion of the war, was devolved upon an officer * of great integrity and worth, diſtinguiſhed by his military talents, but otherwiſe (which daily experience proves to be no inconſiſtency) of ſlender capacity; while the real direction and management of thoſe forces, together with their commander, was acquired by a leader of the moſt extraordinary abilities which that, or perhaps any age, has produced. This

* Fairfax.

This was the famous Oliver Cromwell, whose character is univerſally known.

During thoſe parliamentary diſputes which preceded the commencement of hoſtilities, Cromwell, though a member of parliament as early as the year 1628, appears to have remained in obſcurity. It ſhould ſeem that, although the ardent enthuſiaſtic ſpirit by which he was poſſeſſed, could hardly fail to be remarked, and to gain him credit with the party to which he was devoted, the inelegance and rudeneſs of his manners, and his total deficiency in public ſpeaking, prevented his acquiring much reputation or influence. But no ſooner had the war opened a new ſcene of action, than he began to diſplay that uncommon genius with which he was endowed, and to aſſume that conſideration and importance to which he was entitled. The troop which he commanded was immediately diſtinguiſhed by ſuperior diſcipline, and by good behaviour in every engagement. The intrepidity, vigour, and enterprizing diſpoſition of its leader were no leſs conſpicuous *. By his deciſive judgment

* It muſt excite amazement to find, in oppoſition to every

judgment in forming reſolutions, and by his rapidity and ſteadineſs in the execution of them; by his penetration in diſcovering, and his dexterity in managing the characters of his adherents and aſſociates, he quickly roſe to eminence, both as a partizan, and as a military officer. That he was originally ſincere in his religious profeſſions is extremely probable; though he afterwards employed the maſk of piety to cover and promote his ambitious deſigns. How far the characters of a hypocrite and a fanatic are capable of being reconciled; or whether inconſiſtency be not frequently a prominent feature of the human mind, I ſhall not pretend to determine; but certain it is, that the conſummate hypocriſy of Cromwell was

every other account, that Oliver Cromwell is taxed with cowardice, in the moſt pointed terms, by no leſs a perſonage than Denzil Hollis, a zealous presbyterian, and eminent leader of the commons. If any credit could be given to this charge, it would rather increaſe than diminiſh our admiration of this extraordinary man; ſince it would lay us under the neceſſity of ſupposing that Cromwell, by his dexterity, judgment, and political firmneſs, was capable of concealing and counteracting the effect of a perſonal weakneſs, apparently, of all others, the moſt adverſe to a military reputation. See Hollis's Memoirs, pub. 1699.

was the great engine by which he procured the confidence of his whole party, and obtained an aſcendancy over all their movements.

One of the firſt and moſt maſterly of all the ſtratagems employed by this arch politician, after he had riſen to a high ſituation, was the new modelling of the army, by which he ſecured to himſelf and his party the entire direction of all the forces of parliament. Towards the concluſion of the war, although a great proportion of thoſe troops were of the independent party, there were ſtill among them a number of preſbyterians. The Earl of Eſſex, Sir William Waller, the Earl of Mancheſter, (formerly Lord Kimbolton,) with many other diſtinguiſhed officers, had ſhewn an uniform attachment to the principles of that ſect; and, however they might think that, in the preſent emergency, it was proper to limit the prerogative, were ſtill the friends of monarchical government. While ſuch perſons remained in the army, they could not fail to be poſſeſſed of conſiderable influence; and Cromwell ſaw that it was neceſſary to get rid of them, in order to accompliſh his deſigns.

For this purpoſe his friends ſuggeſted a reformation

formation in point of military diſcipline; the neglect of which became a topic of univerſal complaint, and was conſidered as the immediate cauſe of many important miſcarriages. A meaſure of this kind, ſo popular in itſelf, was warmly ſupported by Fairfax, the general, and by thoſe who, not entertaining any ſuſpicion of the ſecret motives by which it was dictated, had been the moſt active and zealous in the cauſe of the people. In the proſecution of this plan, it was artfully repreſented, that thoſe who had a voice in parliament were poſſeſſed of authority and rank incompatible with military ſubordination, and, by the attendance in that aſſembly which their duty required, were diſqualified for the exerciſe of other employments. A *ſelf-denying ordinance* was therefore propoſed, by which members of parliament were declared incapable of civil and military offices; and this regulation, by means of the popular clamour which had been excited, was carried through both houſes. In this manner the leaders of the preſbyterian party, who had long enjoyed ſeats in parliament, and had been the chief conductors of parliamentary buſineſs, were excluded from all ſhare in the direction

direction of the forces. The army was immediately new-modelled, and formed into different regiments and companies, under a new set of officers; with which measure many of the presbyterian party, whom the late regulation did not affect, were so disgusted as to throw up their commissions. Cromwell himself, though a member of parliament, found means, by the solicitation of the general, to delay, for some time, and afterwards entirely to evade the resignation of his command. The decisive battle of Naseby, which was fought soon after the self-denying ordinance was carried into execution, reflected no less credit upon that measure than upon the personal abilities of its contriver.

After the king's troops had been completely defeated, and when his Majesty found it no longer practicable to face his enemies in the field, he seems to have placed his last refuge in the opposition and discord between those different parties into which the nation was divided. He appears to have thought that, by availing himself of their political animosities, he might hold a balance among them, and still, in some measure, maintain his authority.

With this view, he threw himſelf upon the protection of the Scottiſh army, then at Newark; thinking, perhaps, that the Scots, from the conceſſions which he had made to them, from their ancient hereditary connection with his family, and from their being of late under ſome diſcontent with the behaviour of the Engliſh parliament, were moſt likely to afford him a favourable reception. It muſt be admitted, however, that whether we conſider the principles of the Scotch covenanters, or the ſtrength which they could muſter in oppoſition to the Engliſh forces, there was no ground to expect that, either from inclination or from prudential motives, they would undertake the defence of Charles, or attempt to reſcue him from the hands of his enemies: Nor can it enter into the wildeſt imagination to conceive that ſuch an attempt would have been either juſt or proper; they were the moſt violent religious adverſaries of the king; they were the allies of parliament; they had hitherto ſtruggled with all their might, and had been very inſtrumental in obliging the former to ſubmit to the demands of the latter. Would it not have been the height of

abſurdity, and even of bad faith, now that their object was nearly accompliſhed, to change ſides all at once, and, by a vain effort in behalf of the king, to aſſiſt or countenance him in refuſing or delaying that ſubmiſſion? They were, no doubt, highly cenſurable in delivering him up to parliament. It was incumbent on them to take no advantage of the circumſtance by which they had obtained a power over his perſon. From a punctilio of delicacy, they ſhould rather have connived at the eſcape than have agreed to the ſurrender of their prince, who had fled to them for ſhelter. But to make that ſurrender an expedient for extorting the arrears of pay, which they could not otherwiſe have procured, was unqueſtionably a diſgraceful tranſaction.

The leaders of parliament, meanwhile, had penetrated the ambitious deſigns of Cromwell and his aſſociates; and, upon the termination of the war, thought it high time to free themſelves from ſuch unruly and turbulent ſervants. They had accordingly taken meaſures for that purpoſe. It was propoſed that a part of the troops ſhould be ſent to Ireland, to aſſiſt in quelling the diſorders in that coun-

try; and that the remainder ſhould be diſmiſſed from the ſervice. Theſe proceedings did not eſcape the notice of that powerful body againſt which they were directed; and their tendency was too manifeſt not to excite univerſal commotion, and ſuggeſt precautions for guarding againſt the danger. A petition was drawn up by the army to their general, to be laid before parliament, complaining of grievances, requiring payment of arrears, relief of widows and maimed ſoldiers, and an indemnity for paſt irregularities committed in the courſe of the war. To watch over their intereſt, and to ſecure unanimity in their future operations, they appointed a ſort of military parliament, compoſed of the ſuperior officers, correſponding to the houſe of peers, and of repreſentatives from each troop or company, under the name of *agitators*, in imitation of the houſe of commons. To this body all diſputes with parliament, and the management of all common concerns, was committed. The parliament afterwards voted that a conſiderable part of the army ſhould be diſbanded; and, to avoid the tumult apprehended on that occaſion, gave orders that different

regiments

regiments or bodies of men ſhould be ſeparated, and receive their diſmiſſion at different times and places. But the military council were too ſharp-ſighted to obey ſuch orders; and too conſcious of their power to pay any regard to this reſolution of parliament.

Upon the delivery of the king to the commiſſioners of the Engliſh parliament, a treaty was immediately ſet on foot between his majeſty and that aſſembly for compoſing the public diſorders, and ſettling the future exerciſe of the government. The ſchemes of the republican party required that, without loſs of time, this agreement ſhould be prevented; and therefore, by the contrivance of Cromwell, with concurrence of the military council, but without the knowledge, it is ſaid, of Fairfax, an officer, with a party of ſoldiers, was diſpatched to ſeize the king, and bring him a priſoner to the army. With this violence Charles was not diſpleaſed; as it coincided with his plans of managing the different parties, and afforded the proſpect of another power, capable of controuling or counter-balancing that of parliament.

The ſeizure of the king, in this manner,

was an open declaration of war againſt the two houſes, and was followed, in a ſhort time, by the march of the army to London. Upon their approach it appeared that all expectation of reſiſtance was vain. The city, after having taken a decided part againſt the mutinous ſpirit of the troops, was ſtruck with a panic, and ſurrendered without attempting any defence.—The ſpeakers of each houſe, attended by a number of members, deſerting their functions, came to meet the army at Hounſlow-heath, and to ſolicit their protection. The remains of parliament, confounded and diſpirited by ſo general a defection of their friends and partizans, were, after a few fruitleſs attempts to maintain their authority, obliged to ſurrender at diſcretion, to repeal all their former offenſive reſolutions, and to yield an implicit ſubmiſſion to the military force.

Charles was highly ſatisfied with theſe tranſactions, and did every thing in his power to promote them. He had hitherto been treated with the utmoſt reſpect by the military leaders, and he believed that the exaltation and triumph of the army over parliament would, in the end, produce the re-eſtabliſhment of regal authority.

authority. He was, in fact, courted at this time by all parties, which had ſuch an effect upon his ſpirits that he was heard frequently to declare, "You cannot do without me; you will fall to ruin if I do not ſuſtain you." Miſled by this idea, he held a correſpondence with every party, while, expecting to procure ſtill better terms from their adverſaries, he was withheld from concluding an agreement with any. But theſe deluſive appearances did not long remain. As ſoon as Cromwell and his aſſociates had completely anſwered the purpoſe for which they got poſſeſſion of the king's perſon, they began to think of delivering themſelves from that incumbrance; and this they accompliſhed without much difficulty, by treating him with leſs indulgence, and inſtilling apprehenſions that he was in danger from the ſoldiery. Charles, now intimidated, and diſguſted with the behaviour of thoſe whom he had ſo lately regarded as favourable to his intereſt, took the firſt opportunity of making his eſcape, and fled to the Iſle of Wight, by the governor of which he was detained a priſoner.

The late violent meaſures of the army had,

in the mean time, ſtirred up a flame in the nation, and by ſhewing, at once, the extent of the military power, and the immediate purpoſe of eſtabliſhing a republican government, had rouſed the preſbyterians both in England and Scotland, and induced them even to unite with the royaliſts in oppoſing ſuch violent innovations. The commencement of a new civil war interrupted, for ſome time, the operations of the republicans in modelling the conſtitution, and gave leiſure for new efforts to conclude a treaty between the king and parliament. But the ſanguine expectations of Charles, which had been raiſed by this exertion in his favour, prevented his acceptance of the terms propoſed, and retarded a final agreement till the opportunity was loſt. The raw troops collected upon the part of the king were ſoon defeated by Cromwell and Fairfax, who, at the head of their veteran forces, found nothing in the kingdom capable of reſiſtance.

It now appeared that the republican party were determined to loſe no time in executing their deſigns. The leaders of the army preſented to parliament a remonſtrance, in which they painted the crimes of Charles in ſtrong colours,

colours, and demanded that he ſhould be immediately brought to trial. They, at the ſame time, gave orders to lay hold of his perſon, and to keep him under confinement. The eſtabliſhment of a common-wealth required that the king's life ſhould be made a ſacrifice; for carrying which into execution it was neceſſary that parliament ſhould be laid under compulſion. By a military force, therefore, under the command of a Colonel Prido, forty commoners on one day, and on the day following ninety-one more of the preſbyterian perſuaſion were violently ſecluded from the houſe. After this operation a clear majority remained in the republican intereſt, and there was no longer any difficulty in procuring from them a reſolution to authoriſe the trial of Charles. This meaſure was, with diſdain, rejected by the upper houſe; upon which the commons declared that the peers were no eſſential part of the legiſlature, and proceeded to execute their own reſolution. It was in virtue of a commiſſion, appointed by this junto of the commons, that Charles was tried, condemned and executed.

The character of this prince, as there was

reaſon to expect, has been repreſented in ſuch oppoſite colours, by the writers of different parties, that we can pay little regard, either to the panegyric of the one ſet, or the invectives of the other; and if our object be the diſcovery of truth, we muſt fix our attention ſolely upon that ſeries of actions by which the eventful hiſtory of his reign is diſtinguiſhed. At the diſtance from which we now ſurvey the conduct of Charles, his misfortunes can hardly fail to move our compaſſion, and to ſoften that reſentment which the whole tenor of his conduct is apt to excite. It is impoſſible, however, to overlook this glaring circumſtance, that his misfortunes were, in a great meaſure, owing to his crimes. Diſregarding the ancient conſtitution of the kingdom, he formed the deſign of eſtabliſhing an abſolute power in the crown; and this deſign he inceſſantly proſecuted, in ſpite of numberleſs obſtacles and diſappointments; notwithſtanding the determined reſolution, diſplayed by his ſubjects, to maintain their natural rights; and without being deterred by the immediate proſpect of involving his dominions in all the calamities and horrors of a civil war. Neither

ther can it be forgotten, that in the execution of his plan for exalting the regal authority, Charles was ready to practiſe every artifice, every ſpecies of diſſimulation; that he paid little regard to good faith; and even ſcrupled not to violate the moſt expreſs and ſolemn engagements. From the beginning of the diſpute with his parliaments, to the commencement of the war, every conceſſion to his people ſeems to have been made with the view of retracting it, whenever he ſhould find a convenient opportunity; the ſame duplicity is equally obſervable in thoſe tranſactions which, after his forces had been finally ſubdued, he attempted to conclude with different parties; and through the whole of his life, we often diſcover, in his public declarations, a mean ſyſtem of equivocation and mental reſervation, peculiarly unſuitable to the characteriſtical gravity and loftineſs of his deportment.

It has been the fortune of Charles to have the hiſtory of his reign tranſmitted to poſterity by one of the firſt philoſophers of the preſent age; whoſe favorite object ſeems to have been to pull down the prevailing doctrines of the whigs, and to repreſent the peculiar opinions of

of the two great political parties into which the nation is divided, as equally erroneous, and equally founded upon a narrow and partial examination of human ſociety. This has given riſe to a ſtrong bias in favour of the houſe of Stuart, which had formerly been borne down by the tide of popular clamour, and has produced, in particular, a laboured apology for the miſconduct of Charles; in which, it muſt be confeſſed, that the facts are, for the moſt part, fairly ſtated, and the general principles apparently juſt; but the particulars agreeable to the author's hypotheſis are ſo amplified and brought forward, and thoſe in oppoſition to it are ſo contracted and diſguiſed, as to preſent, upon the whole, a very artful picture, calculated to miſlead an incautious and ſuperficial obſerver.

In vindication of Charles, it has been ſuggeſted, that his miſconduct proceeded from the notions which he had imbibed of the Engliſh conſtitution: that he followed merely the footſteps of his father, by whom he was taught to look upon himſelf as an abſolute prince, inveſted by heaven with an indefeaſible hereditary dominion; that he found this opinion

opinion ſupported by the example of many of his predeceſſors, thoſe eſpecially of the Tudor-family; and that he was farther confirmed in it, by obſerving the abſolute authority exerciſed by moſt of the cotemporary princes upon the continent of Europe. That the diſſimulation which he employed, in the purſuit of his plans, muſt be imputed to the extreme difficulties and embarraſſments of his ſituation. Conſcious of the rectitude of his aim, and unable to accompliſh it by direct means, he was reduced to the neceſſity of purſuing it by crooked artifices and expedients. In maintaining the ſacred rights which, he underſtood, were committed to him, as the vice-gerent of God Almighty, he ſeems to have thought that the temporiſing meaſures, which he adopted, were imputable to his enemies, by whom he was driven into thoſe indirect and fraudulent courſes.

Theſe obſervations, though delivered with ſuch addreſs and eloquence as mark the ingenuity and abilities of the author, are far from appearing ſatisfactory. Who, that acknowledges the happineſs of ſociety to be the great end of all government, can enter ſo far into the feelings of a tyrant as to liſten to his

juſtification? when he ſays, "I miſtook the "nature of my office. I thought the people "were created ſolely for my benefit, not I "for theirs. I believed that they had no "rights independent of my arbitrary will; "and that their lives and fortunes might be "ſacrificed at pleaſure to my humour and ca-"price. I ſuppoſed that I was entitled to "maintain, either by foul or by fair means, "by diſſimulation and treachery, or by direct "force, and by ſhedding the blood of my "ſubjects, all thoſe powers which have been "aſſumed and poſſeſſed by my forefathers."

This apology, ſuch as it is, appears more applicable to the leader of a band of Arabs, or of Tartar freebooters, who ſubſiſt by robbery and murder, than to the king of a civilized nation, in which a regular ſyſtem of law and government has been long eſtabliſhed. The barbarous chief is probably unacquainted with any other mode of living, but Charles muſt have known better. He had cultivated his underſtanding by acquired knowledge, was no ſtranger to the different forms of government which had exiſted in different countries, nor probably to the profeſſed purpoſe for which they were introduced, or to the reſpective

tive advantages which have reſulted from them. He was no ſtranger to the hiſtory of his own country, and could not fail to know that it never was, at any period, ſubjected to a deſpotical government. He could not overlook thoſe *great charters* which his predeceſſors had ſo frequently granted to their ſubjects, and which expreſsly aſcertained the privileges of the people and the limitations of the prerogative. If uſurpations were occaſionally committed by particular ſovereigns, or their miniſters, theſe were always complained of; were generally followed by a redreſs of grievances, and ſometimes by an exemplary puniſhment of the offenders. Though ſome of the Tudor princes exerciſed many arbitrary powers, and ſtretched the prerogative beyond the pitch which it had attained at any former period; yet even their example could give no countenance to the principal uſurpations of Charles; and there ſtill were certain limits in the conſtitution which thoſe tyrants did not venture to tranſgreſs. They never ventured to aſſume the direct power of taxation, without the concurrence of parliament, nor to carry on, for any long period, the various branches of adminiſtration without the advice of that national council.

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With reſpect to the governments upon the continent of Europe, they were originally limited like that of England, and had of late been rendered abſolute from circumſtances peculiar to themſelves, which could never be ſuppoſed to authoriſe an Engliſh monarch to introduce a ſimilar change in his own dominions. If Charles, therefore, was miſled from the circumſtances of the times, we cannot ſuppoſe that this proceeded from an error in judgment, but muſt believe that the deception was produced, as is uſual in ſuch caſes, by the falſe lights ariſing from the irregularity of his paſſions. It is unfortunate for the memory of this monarch, that his ambition was not of that brilliant kind which is fitted to excite admiration. It was not connected with any great view, either of public or of private aggrandizement, or accompanied with the diſplay of great military talents, or of any ſplendid abilities. By overturning the conſtitution, he neither propoſed to acquire the *eclat* of a conqueror, nor to extend the empire of his country, nor to raise her importance in the ſcale of nations. Stately and forbidding in his deportment, obſtinate in his opinions, and inflexible in his meaſures, he ſeems to have had no other object than to eſtabliſh that political

litical ſyſtem which co-incided with his temper and diſpoſition; to have aimed at nothing farther than to obviate the hazard of contradiction, and ſuperſede the neceſſity of recommending himſelf to his people by affability and popular manners.

To eſtimate the degree of underſtanding or abilities poſſeſſed by Charles is not very eaſy. The talents and capacity aſcribed to him by his friends are ſuppoſed to have been chiefly diſplayed in converſation and in his literary compoſitions. But the authenticity of the latter, which has been much queſtioned, can hardly be aſcertained in a ſatisfactory manner; and the opinion entertained of the former is liable to the ſuſpicion of being tinctured by an admiration of his high rank, and by compaſſion for his misfortunes. During his conferences with the commiſſioners of parliament in the Iſle of Wight, he is ſaid to have acquitted himſelf in a manner that impreſſed his hearers with reſpect and veneration. That he underſtood thoſe topics, which had been the ſtudy of his whole life, may eaſily be conceived; and that his abilities were of a caſt which qualified him for ſpeculation more than for action, there is good ground to believe.

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Let it alſo be remembered that he was a king whoſe crown "had not yet loſt all its original brightneſs," and we may account for this veneration without ſuppoſing any thing extraordinary. It is at leaſt certain that the whole courſe of his public conduct exhibits one continued ſcene of arrogance, meanneſs, inconſiſtency, and imprudence. His extravagant claims were advanced with heat and precipitation, and ſupported with eagerneſs and violence, until the nation was alarmed and thrown into a ferment; after which he had recourſe to apparent ſubmiſſion, to humiliating compliances, and to hypocritical profeſſions. Thoſe who endeavour to palliate the errors of his government, obſerve that he ſuffered himſelf to be guided by perſons of much inferior capacity to his own. But this, in a temper ſo little influenced by the warmth of affection, affords a certain proof of the want of diſcernment. There is no doubt that his meaſures were frequently directed by miniſters, whoſe views he ought to have diſtruſted; and by the queen, whoſe religious principles both excited the jealouſy of the Engliſh nation, and ſubjected her to an influence of which he had reaſon to be apprehenſive.

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The private virtues of Charles have been juſtly the ſubject of commendation. Sober and temperate, he ſet before his people an important example of decency and regularity of manners; while, by his taſte in the fine arts, and by his attention to reward the exertions of genius, he was of ſignal ſervice in promoting uſeful improvements. Though inceſſantly actuated by the love of power, and much irritated by oppoſition, he was not violent in his reſentments, nor in his temper, unforgiving and revengeful. Had he been able quietly to obtain an unlimited authority, it is not likely that he would have been guilty of great exceſſes in the exerciſe of it. Neither does he ſeem, on the other hand, to have been animated with much generoſity towards his friends, or to have felt a ſtrong attachment to any of thoſe favourites, who ſuffered in his cauſe, and in whoſe judgment he had placed an implicit confidence. From his lofty ideas of the ſacred character with which he was inveſted, he probably thought that his ſubjects in ſacrificing their lives and fortunes to his conveniency, did no more than their duty;

and that of conſequence no returns of gratitude, upon that account, were due to them.

The enthuſiaſm inſpired by an opinion of his own dignity and ſelf-importance, enabled him to ſupport with becoming decency, and even with magnanimity, the ſad reverſe of fortune which he experienced in the latter part of his reign; and contributed to the diſplay of that patience, reſignation, and meekneſs, with which he bore the inſults and indignities of his unfeeling enemies.

The death of Charles appears to have ſtruck all Europe with terror and aſtoniſhment. The execution of a king upon a public ſcaffold, and with all the forms of judicial procedure, at a period when the ſtate of ſociety had begun to mitigate the ſeverity of penal laws, and had alſo very generally introduced a deſpotical government, was a meaſure which ran counter to the ordinary courſe of political events. It was beheld like that phenomenon, which

——Diſaſtrous twilight ſheds
On half the nations, and with fear of change
Perplexes monarchs.

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With regard to the juſtice of this meaſure, it ſhould ſeem, that at this diſtance of time, when the animoſities and prejudices of that age have in a great meaſure ſubſided, there is little room, among ſuch as are qualified to judge, for any conſiderable difference of opinion; but we conſider this prince merely in the light of a private individual, and compare his conduct with that of other criminals, there can, I ſhould think, be no doubt that he merited the higheſt puniſhment. If rapine and murder are accounted capital crimes, what ſhall we ſay of that ambition, which breaks down, at once, all the barriers of perſonal ſecurity; overturns the whole fabric of the conſtitution; eſtabliſhes the dominion of arbitrary will in place of legal reſtraint; and, in ſeeking to attain this object, deſtroys the lives and fortunes of thouſands!

But the ſituation of a ſovereign is ſo different from that of private individuals, and an attempt to puniſh him is attended with ſuch complicated diſorders, that the only circumſtance which ought to regulate the interference of government, in ſuch caſes,

muſt be the conſideration of public utility. Was the trial and condemnation of Charles regulated by this conſideration? Was it a meaſure of public expediency? Was it calculated to remove diſorders; to improve the conſtitution; to reſtore tranquillity? That it was not abſolutely neceſſary for the preſervation of the liberties of the people, muſt, I think, be admitted; for the ſpirit of the king was ſo reduced by his misfortunes, that he would, probably, have ſubmitted to any reſtrictions; he would even have conſented, it is ſaid, that the crown ſhould be directly tranſmitted to the prince of Wales, under the management of a regency. By rejecting ſuch terms, it was manifeſt, that the leaders of the prevailing party had abandoned every idea of improving the old government, and had reſolved, that *monarchy*, in every ſhape, and under any limitations whatever, ſhould be entirely exploded. The trial and execution of Charles was doubtleſs intended for the purpoſe of introducing a republican form of government; and according as we hold ſuch a revolution to have been expedient,

or

or the contrary, we ſhall be led to condemn, or approve of that meaſure.

Concerning the general queſtion, whether a government of this nature was, at that period, accommodated to the circumſtances of the Engliſh nation, it may be difficult to form a deciſive opinion. Many politicians have aſſerted, that a republican conſtitution is peculiarly adapted to a ſmall ſtate, and cannot be maintained in a large community. This doctrine ſeems to have ariſen from a view of the ancient republics, in which the whole people compoſed the legiſlative aſſembly; and is evidently inapplicable to thoſe modern ſyſtems of democracy, in which the legiſlative power is committed to national repreſentatives. Nothing is more common than for philoſophers to be impoſed upon by the different acceptation of words. The nations of antiquity having no notion of a repreſentative government, countries of large extent were ſubjected univerſally to an arbitrary and ſlovenly deſpotiſm; and it was only in a few ſmall ſtates that it was thought practicable for the maſs of the people to retain, in their own hands

hands, the ſupreme powers of public adminiſtration. The expedient, employed firſt in modern times, of ſubſtituting repreſentatives, in place of the whole people, to exerciſe the ſupreme powers in the ſtate, has removed the difficulty of communicating a popular conſtitution to countries of a great extent; as it may prevent the legiſlative aſſembly from being too numerous, either for maintaining good order in its deliberations, or for ſuperintending the conduct of the chief executive officers.

If, by a republic, is meant a government in which there is no king, or hereditary chief magiſtrate, it ſhould ſeem, that this political ſyſtem is peculiarly adapted to the two extremes, of a very ſmall and a very great nation. In a very ſmall ſtate, no other form of government can ſubſiſt. Suppoſe a territory, containing no more than 30,000 inhabitants, and theſe paying taxes, one with another, at the rate of thirty ſhillings yearly; this would produce a public revenue, at the diſpoſal of the crown, amounting annually to 450,000 l. a ſum totally inſufficient for ſupporting the dignity and authority

rity of the crown, and for beſtowing on the king an influence ſuperior to that which might be poſſeſſed by caſual combinations of a few of his richeſt ſubjects.

Suppoſe, on the other hand, a territory ſo extenſive and populous as to contain thirty millions of inhabitants, paying taxes in the ſame proportion; this, at the free diſpoſal of a king, would beſtow upon him an annual revenue, ſo enormous as to create a degree of patronage and influence which no regulations could effectually reſtrain, and would render every attempt to limit the powers of the crown in a great meaſure vain and inſignificant. In ſuch a ſtate, therefore, it ſeems extremely difficult to maintain the natural rights of mankind otherwiſe than by aboliſhing monarchy altogether. Thus, in a very ſmall ſtate, a democratical government is neceſſary, becauſe the king would have too little authority; in a very great one, becauſe he would have too much. In a ſtate of moderate ſize, lying in a certain medium between the two extremes, it ſhould ſeem, that monarchy may be eſtabliſhed with advantage, and that the crown may be expected

expected to poſſeſs a ſufficient ſhare of authority for its own preſervation, without endangering the people from the encroachments of prerogative. How far England was in theſe circumſtances at the period in queſtion, I ſhall not pretend to determine.

But, even ſuppoſing a republic to have been in itſelf, at that period, a preferable form of government, it could not, in England, be expected to produce beneficial conſequences; becauſe it was not ſupported by the general voice of the community. The death of the king, the preliminary ſteps to the eſtabliſhment of that ſyſtem, was neither authorized by the nation at large, nor by its repreſentatives. It had no other authority than the determination of a houſe of commons, from which a great proportion of the members had been expelled by a military force. The peers refuſed their concurrence with indignation. Cromwell, and his aſſociates, the leaders of the army, who had obtained the direction of the Independents, were in reality the authors of this tranſaction, which, we may ſafely affirm, was diametrically oppoſite to the opinions

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and ſentiments of by far the greater part of the nation,

In theſe peculiar circumſtances, the execution of Charles cannot be approved of even by the warmeſt admirers of a republican conſtitution. The authority of every government is founded in *opinion;* and no ſyſtem, be it ever ſo perfect in itſelf, can be expected to acquire ſtability, or to produce good order and ſubmiſſion, unleſs it coincides with the general voice of the community. He who frames a political conſtitution upon a model of ideal perfection, and attempts to introduce it into any country, without conſulting the inclinations of the inhabitants, is a moſt pernicious projector, who, inſtead of being applauded as a Lycurgus, ought to be chained and confined as a madman.

Though, from theſe conſiderations, an impartial and candid obſerver will be diſpoſed, upon the whole, to diſapprove of the rigorous puniſhment of Charles, it ſeems impoſſible to deny, that it was productive of ſome incidental advantages. As a conſpicuous example of the reſentment incurred by

by the exertions of arbitrary power, it contributed to intimidate the ſucceeding princes, and to render them leſs reſolute in their violent meaſures. It was, probably, the memory of this event, which made James II. ſhrink from his attempts, and facilitated the acceſſion of William III.

It is no leſs evident, however, that the unfortunate iſſue of the conteſt between the king and parliament, brought for ſome time a diſcredit upon the laudable efforts of that aſſembly to ſupport the conſtitution, and ſupplied the partizans of deſpotiſm with an argument in favour of their doctrine of *paſſive obedience*, by ſhewing the diſorders which may ariſe from all reſiſtance to the will of the monarch.

CHAPTER

CHAPTER V.

Of Oliver Cromwell, and the Protectorate.

THE boldneſs, the dexterity, and the diſſimulation of Cromwell, had been eminently ſucceſsful in conducting thoſe meaſures which had ended in the death of the king, and in bringing the whole kingdom under the power of the independents. But the talents of this profound politician, his enterpriſing ſpirit, and the extent of his deſigns, were yet far from being completely unfolded. He had hitherto only ſet himſelf at the head of his own party; and, by their aſſiſtance, at the head of the military force of the nation. But a more difficult and hazardous taſk yet remained—to deceive this party; to render them ſubſervient to his private ambition; and, after they had flattered themſelves with the near proſpect of that political eſtabliſhment with which they were ſo much intoxicated, to employ a great part

part of them, together with the army which was devoted to their intereſt, in ſeating him on the throne of England, with greater power than had ever been enjoyed either by James or by Charles.

To have a proper conception of the means by which he was enabled to execute this maſter-piece of dexterity and villainy, we muſt, in the firſt place, conſider his popularity in the army, whoſe power at that time, was unbounded. The weakneſs and the undeſigning integrity of Fairfax, rendered him a mere tool in the hands of Cromwell, who made uſe of the name and credit of that general to accompliſh his own views, while he avoided the odium and ſuſpicion which their avowal muſt have drawn upon himſelf. The great body of the troops were devoted to Fairfax, with a blind veneration produced by an opinion of his military talents, and by a confidence in the ſincerity of his profeſſions. Poſſeſſed of little capacity or inclination, to ſcrutinize the conduct and motives of thoſe who acted the chief parts on the political theatre, they were jealous of the intereſt and rights of the ſoldiery,

ſoldiery, and gratified by every event which contributed to the exaltation of their favourite leaders. A few of the principal officers appear to have ſeconded the deſigns of Cromwell, either from perſonal attachment or conſiderations of private intereſt. The reſt were for the moſt part men of low education, equally deſtitute of penetration to diſcover the tendency of his meaſures, and of capacity to proſecute any vigorous plan of oppoſition.

The diverſity of opinion among the independents themſelves, concerning the nature of that conſtitution which they had it in view to eſtabliſh, created at the ſame time innumerable difficulties, and occaſioned ſuch delays as afforded ample ſcope to Cromwell, for preparing and ripening that peculiar ſyſtem which he meant to introduce.

A great part of thoſe who concurred in putting the late king to death, were men of principle. Whatever fanaticiſm in religion, or whatever prejudices in politics they had imbibed, they appear to have been animated with fervent zeal, and with ſincere diſpoſitions, to promote the good of the public. They

They looked upon the tyranny of Charles as inſeparably connected with monarchy; and, while the kingly office was permitted to remain, they regarded the puniſhment of the king as a mere palliative, incapable of producing a radical cure. But the idea of a republic was vague and general, admitting a great diverſity of modifications. The celebrated republics of antiquity, ſupplied on this occaſion, no models proper for imitation; for, as thoſe governments were all eſtabliſhed in very ſmall communities, the people at large were in a capacity to exerciſe the legiſlative power; while in a large and populous country like England, it was evidently neceſſary that it ſhould be committed to an aſſembly of repreſentatives. From this radical difference many others muſt follow of courſe; and thus, in a matter not aſcertained by experience, there was opened a boundleſs field to political projectors, in which they might range at pleaſure, and declaim without end or meaſure, upon their different ſpeculative improvements.

While the zealous and diſintereſted friends of republicaniſm continued in a ſtate

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of uncertainty, with reſpect to the preciſe object which was to terminate their labours, the old houſe of commons, that meeting which remained from the wreck of the long parliament, after the violent expulſion of thoſe members who had diſapproved of the trial of Charles, and after the houſe of peers had been declared no part of the legiſlature; this garbled houſe of commons endeavoured to hold itſelf up to the public, as forming the baſis of the government in queſtion. It was compoſed of about ninety perſons, deriving their authority, not from the voice of the people, but from the direct interpoſition of that military force, by which they had been encouraged and ſupported in all their uſurpations. They took upon them to aboliſh the upper houſe, but reſerved to the peers the privilege of electing or being elected knights of ſhires, or burgeſſes. They ventured to declare, "that the office of a king is unneceſſary, burdenſome, and dangerous to the intereſt, liberty, and ſafety of the nation." Aſſuming the title of *the parliament of the Commonwealth of England*, they exerciſed the legiſlative and executive

powers; and as an auxiliary for executing the buſineſs of the latter department, they appointed a *council of ſtate*, compoſed of thirty-nine perſons. Not ſatisfied with the ſupreme authority of England, they did not heſitate to effect an union with Scotland and Ireland, and to determine that from each of thoſe countries thirty repreſentatives ſhould be admitted.

While this remnant of a national council maintained a good underſtanding with the army, its commands were eaſily enforced throughout the nation. But things did not long remain in this fortunate ſituation. Although its members owed their preſent eſtabliſhment to the violent interference of a military force, they had no intention to continue in a ſtate of dependence upon the power which had raiſed them. They had already, as was formerly obſerved, taken direct meaſures, however ineffectual, for diſbanding the army, and had thus incurred the ſtrong reſentment of every perſon connected with that department. Their continuing to exerciſe all the functions of government, and their claiming even the

power

power in that extraordinary emergency of reforming and new-modelling the conſtitution, could not fail at the ſame time to ſhock all the feelings and principles of the real friends of liberty. It had, indeed, been enacted that the parliament called in 1640, ſhould not be diſſolved without its own conſent; but it ſurely was a wide interpretation of that ſtatute, to contend that this enactment ſhould operate in favour of that mere ſhadow of national repreſentation, which had been ſo recently made uſe of as a cover to the tyranny of the military power. The death of the king, according to the views of all thoſe who wiſhed to effectuate a thorough reformation of abuſes, had produced an extinction of the old government; and it would be ridiculous to devolve the formation of the new ſyſtem upon that handful of obſcure individuals, who, by a train of accidents, had been left in the poſſeſſion of the political machine. A tranſaction ſo important and extraordinary, ſeemed to require the concurrence of the whole nation; but, undoubtedly, could not with propriety be concluded, unleſs in a full and comprehen-

ſive meeting of the national repreſentatives. The exiſting members of this houſe of commons were probably not ignorant of what the public in this particular might expect from them. They had, accordingly, ſometimes talked of diſſolving themſelves; but on theſe occaſions found they had always pretences for delaying ſo diſagreeable a meaſure; and at length they came to a reſolution of ſuperſeding it altogether, by electing a ſet of new members to fill up their number.

Theſe two circumſtances, the reſentment of the whole military order againſt that aſſembly, and the vague uncertain notions concerning that political ſyſtem which the ſincere republicans had in contemplation, were the main ſprings which Cromwell put in motion for effecting his ambitious deſigns.

His firſt object was to get rid of the old houſe of commons; a meaſure not altogether free from hazard; for that houſe contained the leaders of the independent and republican party, who had been embarked in the ſame cauſe with the army, in bringing the ſovereign to the block; and however

theſe

theſe confederates were now embroiled by a difference of private intereſt, a reconciliation, from the recollection of their common ſentiments, was far from being impoſſible. Cromwell employed every artifice to inflame this difference, and when the jealouſy and reſentment of the army had been raiſed to a ſufficient pitch, he ventured, in concert with the principal officers, by a military force to turn that aſſembly out of doors. The circumſtances with which he executed this bold meaſure are well known. With a mixture of rage, of religious cant, and of inſolent jocularity, he called upon a party of ſoldiers whom he had provided for the occaſion, and ordered them to lay hold of thoſe members who appeared refractory; declaring "that they were no longer a parliament, and muſt give place to better men."—"I have been wreſtling," ſays he, "with God, to excuſe me from this, but in vain." His purpoſe, no doubt, was to inſinuate: but it is not improbable that he followed, at the ſame time, the natural bent of his temper. We may eaſily ſuppoſe that, however deſtitute of ſenſibility; how reſolute ſoever in proſecuting

ing his plans; yet, in this emergency, when he was on a ſudden to ſhift his ground, and to abandon his old friends and aſſociates, all was not quiet within; and that he could not prevent unuſual perturbation. To ſtifle reflection, a vigorous effort became neceſſary; and he was obliged to work himſelf up to a degree of paſſion and violence.

In whatever light this meaſure might be viewed by the army, it was of too decided a nature not to open the eyes of the nation, and to diſcover his real deſigns. Such of the republicans as were capable of diſcernment, muſt now have been fully convinced of the treachery of their leader, and have ſeen with ſhame and indignation, the total overthrow of a fabric which they had long been endeavouring to rear. They had the additional mortification to find that they were too inſignificant to procure any attention to their complaints; and that the loſs of their power was beheld by the people at large with exultation and triumph. The preſbyterians, as well as the adherents of the late king, muſt have regarded this event with cordial ſatisfaction; the former, pleaſed with

with the ruin of a party by whom they themſelves had been ſupplanted; the latter, deducing a complete vindication of their political tenets from the unfortunate iſſue of the late attempts to limit the prerogative, and rejoicing in the proſpect, that the preſent diſorders would induce men of all parties to ſeek the reſtoration of public tranquillity by recalling the royal family.

Even ſome of the military officers penetrated the ſiniſter deſigns of Cromwell, and immediately withdrew their ſupport from him; but they poſſeſſed neither influence nor dexterity to produce a deſertion of the forces under their command. The reſt were pleaſed with any arrangement which exalted the military power, and were eaſily ſatisfied with the diſſolution of the late houſe of commons, as a preliminary ſtep to the calling of a more ſuitable repreſentation of the whole community. The common herd of the troops, viewing this crafty politician, either in the light of a patron and protector, to whom they were indebted for their ſituations, and from whom they expected preferment; or in that of a ſaint, whoſe religious charac-

ter and profeſſions inſpired them with full confidence in his integrity, adhered invariably to his intereſt, and were diſpoſed, without examination or ſuſpicion, to promote and execute all his meaſures.

The army, having in this manner ſwept away the old government, became entirely maſters of the field, and poſſeſſed an unlimited power. They had obtained a clear canvaſs upon which they might amuſe themſelves in deſigning future conſtitutions. As, in their former diſputes with parliament, they had formed their ſeveral delegates into a deliberative council, under ſuch regulations as enabled them, without confuſion, to collect their general determinations, they now proceeded, in the capacity of legiſlators, to make trial of their political talents. One of their firſt attempts of this nature was to call a *convention*, the members of which, amounting to about an hundred and twenty, were elected by counties and towns in England, Scotland, and Ireland. But as this meeting, which is known by the name of *Barebone's parliament*, did not, it ſeems, anſwer the views of Cromwell, he ſoon prevailed upon them, notwith-

notwithſtanding a proteſtation by ſeveral members, to reſign their authority.

This crude experiment was followed by the delineation of a ſyſtem more full and complete in all its parts. In a military council, there was produced, and received with approbation, what was called *an inſtrument of government*, containing the outlines of the ſyſtem propoſed. It provided that the chief powers of government ſhould be committed to a protector, a council of ſtate, and a parliament.

To the office of protector, beſtowed, as we might eaſily ſuppoſe, upon Cromwell himſelf, were annexed the greateſt part of thoſe prerogatives formerly belonging to the monarchs of England.

The council of ſtate was to conſiſt of not more than twenty-one, nor of leſs than thirteen perſons. The firſt members were named by the inſtrument itſelf; they were to enjoy their office during life or good behaviour; and every vacancy was to be ſupplied by the council naming a liſt of three perſons, out of which the protector was empowered to chooſe the member. In the determination

tion of peace and war, and in the exercise of the executive power, the protector was to act with the advice and consent of the council.

The parliament consisted of 400 representatives for the whole of England and Wales; of whom 270 were to be elected by the counties, the right of election belonging to such as possessed a landed estate, amounting to the value of 200*l.* The small towns, known by the denomination of the *rotten boroughs*, were excluded from the privilege of sending representatives. To the English members were added thirty for Scotland, and the same number for Ireland.

That this national assembly might resemble the ancient parliaments of England, provision was made, though at a subsequent period, for a house of lords, to be composed not of the old hereditary nobility, but of members nominated by the protector, whose privilege of sitting in that house should remain during life. Their number was limited to seventy*.

* Of those who actually sat in consequence of such nomination sixty-five are specified in *Memoirs of Cromwell*, vol. I.—The greater part collected from Thurlowe's list.

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The protector was empowered to ſummon meetings of parliament; he was required to call them every three years, at leaſt: and to allow their deliberations to continue for five months without interruption. He had no abſolute negative upon ſuch bills as paſſed through parliament; unleſs they were contrary to thoſe fundamental laws contained in the *inſtrument of government*. But by this original deed he had ſecured a ſtanding army of 20,000 foot, and 10,000 horſe; for the maintenance of which regular funds were provided.

Such was the famous plan of government, by the eſtabliſhment of which Cromwell appears to have attained the ſummit of power and grandeur. It is neceſſary to examine minutely the particulars of this new ſyſtem; which, by not admitting its chief magiſtrate to aſſume the title of king, has commonly been conſidered as a ſpecies of republic. In this reſpect, and by its extending, and in ſome degree equalizing the national repreſentation in the public aſſembly, it may ſeem, from a ſuperficial view, to favour the great body of the people. But in reality it had

had an oppoſite tendency; and ſubjected all the branches of adminiſtration, all the exertions of government, to the arbitrary will of a ſingle perſon. It eſtabliſhed a ſtanding army of 30,000 men, under the direction of the protector, and which could not be diſbanded without his conſent. Such a force, in the ſtate of military diſcipline which he had produced, was fully ſufficient to overcome all reſiſtance, and to govern the nation at pleaſure. By ſuch a body of mercenaries entirely at his devotion, he could eaſily ſweep away thoſe cob-web laws which were ſpread out to decoy and enſnare others, not to reſtrain his own conduct. We accordingly find that the firſt parliament which was called, in conſequence of this new conſtitution, having proved refractory by diſputing the title of the protector, he placed a guard at the door of the houſe, and refuſed admittance to the members, until they had ſubſcribed an engagement to acknowledge his authority. In a future parliament, he employed a ſimilar violence to ſubdue the oppoſition of its members.

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To facilitate, however, the interpoſition of that abſolute authority which he intended to exerciſe, he found it convenient to make variations in the conſtitution which he had introduced; and in particular to enlarge the department of the army, by allowing its officers to interfere in the civil adminiſtration. An inſurrection of the partizans of the royal family, which had been early diſcovered, and eaſily quelled, afforded a pretence for treating the whole party with extraordinary ſeverity. By a regulation of a moſt arbitrary and oppreſſive nature, they were ſubjected to a contribution amounting to a tenth of their eſtates: and for levying this impoſition, Cromwell divided the whole kingdom into twelve military juriſdictions; each of which was put under the government of a major-general with exorbitant powers, and from his determination there lay no appeal but to Cromwell himſelf.

From the ſlighteſt attention it muſt be obvious that this political ſyſtem was not framed for duration. It was ſuch a mixture of oppoſite elements, ſuch a combination of diſcordant and jarring principles, as could not fail to counteract one another, and to produce

produce diſorder and commotion. The protectorate of Cromwell was apparently a democracy, but in reality a military deſpotiſm; the moſt arbitrary and oppreſſive ſpecies of abſolute monarchy. It held out to the people the ſhow of liberty and of privileges, by inviting them to chooſe their own repreſentatives, to exert themſelves in acquiring political intereſt, in a word, to conſider themſelves as legiſlators, and to act accordingly; while in reality, their efforts were always to end in diſappointment; their ideas of ſelf-importance and dignity to produce only mortification; their pretended interference in the adminiſtration of public affairs to be in perfect ſubordination to the will of a ſingle perſon, by whoſe hand, like puppets, all their movements were guided and directed.

To render an abſolute government palatable to a whole nation, it muſt be confirmed by inveterate uſage. The attention of the people muſt be turned away from the conduct of their governors, and diverted into other channels. Occupied with their private purſuits, they muſt be taught to look upon

upon the buſineſs of the magiſtrate as no buſineſs of theirs, and to eſteem it his province to command, as it is their duty to yield implicit ſubmiſſion: they muſt be habitually convinced that they have nothing to do with the laws but to obey them. The forms of the conſtitution muſt be calculated to keep out of view the rights of ſubjects, to preſent continually the image of unbounded authority in the prince, and to inſpire a veneration for his perſon and dignity. The grandeur of the monarch, the rank which he holds in the ſcale of ſovereigns, the facility with which he collects an armed force, and provides reſources for ſupporting it, the ſecreſy and expedition with which he enters upon a war, attacks the neighbouring ſtates, or procures information with reſpect to their deſigns, the tranquillity which he maintains through the whole of his dominions, by repreſſing the animoſities, the turbulence and faction ſo prevalent in popular governments; theſe advantages muſt be conſtantly held up to the nation as the peculiar bleſſings of deſpotiſm, which, in the opinion of ſome, render that political eſtabliſhment upon the whole

ſuperior

ſuperior to every other. The people, in ſhort, muſt be made to exult in that power by which they are kept in ſubjection, to regard their own glory as involved in that of their *grand monarque*, and their own debaſement and ſervitude, as compenſated by the ſplendor of his prerogative, and the extent of his dominion. Experience has ſhewn that by long cuſtom, and by the influence of example, ſuch a national ſpirit is not unattainable; nay, that ſentiments of loyalty and affection to a deſpot, have, in the hiſtory of the world, and even of civilized nations been more prevalent than a ſenſe of liberty and independence. But the union of the former and the latter, in one maſs, is a mixture of heterogeneous particles, which inceſſantly repelling each other, muſt be frequently ſhaken, and kept in continual ferment, to prevent their ſeparation. To introduce a deſpotiſm under the guiſe of a popular government is to dreſs an avowed and bitter enemy in the garments of a friend and benefactor: it is to tantalize the people with a proſpect of pleaſures which they are never to enjoy; to require that they ſhould baniſh from their thoughts a ſet of rights and pri-

vileges which are conſtantly placed before their eyes.

To the native inconſiſtencies and contradictions which tended to overthrow the ſyſtem of uſurpation introduced by Cromwell, we muſt add a circumſtance of ſtill greater moment, that from the beginning it had, in evey ſhape, been oppoſed by a prodigious majority of the nation. Excluſive of the army, every claſs or deſcription of men, whether political or religious; the epiſcopal party, the preſbyterian, and the independent; the friends of the royal family, the ſupporters of limited monarchy, and of a commonwealth; all united in their averſion to the preſent conſtitution, and in their deteſtation of the means by which it has been eſtabliſhed.

Theſe diſpoſitions of the public mind had not eſcaped the penetrating eye of Cromwell. He knew that his government, as an innovation, which ran counter to all the former ideas and habits of the great body of the nation, was highly unpopular; he was willing, as far as poſſible, to remove this prepoſſeſſion: and, in the latter part of his adminiſtration,

miniſtration, he ſeems to have had a ſerious intention to reſtore the monarchy. After the powers which he had already aſſumed, he probably thought that the army would have no objection to his obtaining the title of *king;* and by the reſtoration of the *kingly office,* provided it were ſettled in his family, together with the re-eſtabliſhment of the ancient houſe of peers, there was reaſon to expect, that a great part of the nation, weary of the paſt diſorders, and leſs adverſe to the new government, than to the dominion of the imprudent and infatuated houſe of Stewart, might be at length reconciled to his authority.

With this view he ſecretly promoted an addreſs, intituled the humble petition and advice of the parliament of England, Scotland, and Ireland, to his highneſs; by which he was entreated to accept the title of king, and to revive the practice of parliaments conſiſting of two houſes. A committee was appointed to hold a conference with him upon the ſubject, and to urge the expediency of the meaſure propoſed. The farce of perſuading Cromwell to accept of the royal dignity

dignity was carried on for ſome time; but the real difficulty lay in procuring the conſent of the army, who hated the name of king; and more eſpecially in procuring the conſent of the principal officers, who entertained the hope of ſucceeding to the protectorſhip.

Many perſons of moderate opinions, throughout the nation, ſeem to have approved of this project, as moſt likely to produce a permanent ſettlement*. The protector

* "The Proteſtor," ſays Thurloe, in a letter to Henry Cromwell, "has great difficulties in his mind, "although he hath had the cleareſt call that ever man "had; and for ought I ſee, the parliament will not be perſuaded, that there can be any ſettlement any other way. "The title is not in the queſtion; but is the office that is "known to the laws and this people. They know their "duty to the king, and his to them. Whatever elſe "there is will be wholly new, and will be nothing elſe "but a probationer, and upon the next occaſion will be "changed again. Beſides, they ſay, the ſame Proteſtor "came in by the ſword, out of parliament, and will "never be the ground of any ſettlement; nor will there "be a free parliament ſo long as that continues; and as "it favours of the ſword now, ſo it will at laſt bring all "things

protector himself treated the proposal with the utmost indifference; delivering his public declarations in a jargon wholly unintelligible; and speaking of it in private as a trifle, which he might comply with merely to gratify the humour of others. "He had "tried all possible means," says Ludlow, "to prevail with the officers of the army to "approve his design, and knowing that "lieutenant-general Fleetwood, and colonel "Desbrowe were particularly averse to it, he "invited himself to dine personally with the "colonel, and carried the lieutenant-gene- "ral with him, where he began to droll with "them about monarchy, and speaking "slightly of it, said it was but a feather in "a man's cap, and therefore wondered that

"things to be military. These, and other considerations, "make men, who are for settlement, steady in their re- "solutions as to this government now in hand; not that "they lust after a king, or are peevish upon any account "of opposition; but they would lay foundations of li- "berty and freedom, which they judge this the next way "to. My Lord Deputy [Fleetwood] and General Des- "browe, oppose themselves with all earnestness against "this title, but think the other things in the *petition* "*and advice* very honest."

"men

" men would not pleaſe children, and permit " them to enjoy their rattle. But he re- " ceived from them, as Col. Deſbrowe ſince " told me, ſuch an anſwer as was not at all " ſuitable to his expectations or deſires. For " they aſſured him there was more in this " matter than he perceived; that thoſe who " put him upon it were no enemies to " Charles Stuart; and that if he accepted " of it, he would infallibly draw ruin on " himſelf and his friends. Having thus " founded their inclinations, that he might " conclude in the manner he had begun, he " told them they were a couple of ſcrupu- " lous fellows, and ſo departed *."

His endeavours, however, were fruitleſs. A petition from the officers of the army was preſented to parliament, requeſting "that the pro- " tector might not be preſſed to take upon him " the title and government of a king;" and Cromwell, with great oſtentation of humility, and much profeſſion of declining a load of cares and difficulties, took the merit of refuſing the crown †. But the office of protector

* Ludlow's Memoirs.

† On the 12th of May, 1657.

was confirmed to him, with the privilege of naming a ſucceſſor.

It is probable that this attempt of Cromwell to reſtore the regal title and dignity, which diſcovered an effrontery beyond example, did not entirely proceed from the mere vanity of wiſhing to poſſeſs the pageantry of a crown. To think otherwiſe would be to ſuppoſe that he betrayed a weakneſs not of a piece with the reſt of his character. The effect of this meaſure, had it been carried into execution, is extremely doubtful; but there is ground to believe that it occurred to this bold and impudent uſurper as a ſtratagem to be hazarded, perhaps the only expedient by which he had any chance to extricate himſelf from the ſurrounding difficulties.

The time now evidently drew near, which, in ſpite of all his efforts, was to annihilate the ill-gotten authority of this extraordinary perſonage. During the four years in which he held the protectorate, he was expoſed to deſperate attempts from all quarters; from cavaliers, from preſbyterians, from independents and republicans; and he ſeems to have

have never enjoyed a moment, either of quiet or ſecurity. That he eſcaped aſſaſſination, conſidering the continued ferment of the nation, and the enthuſiaſtic zeal of the parties whom he had ſo highly irritated, is wonderful. By his extraordinary vigilance, by the uncommon intelligence which he procured, by a judicious mixture of lenity and of ſeverity towards thoſe who conſpired againſt him, he broke and diſconcerted the ſchemes of his enemies, and reduced them to the neceſſity of temporiſing and with acting with great circumſpection. The obſtacles, however, to a final and permanent ſettlement were daily encreaſing. Deſerted by every man of principle, unleſs perhaps, a few low-bred fanatics in the army, whoſe weakneſs rendered them unable to penetrate his deſigns, he found himſelf deſtitute of a friend in whoſe counſel he could repoſe any confidence, or from whoſe credit or influence he could expect any aſſiſtance. Concerning the deſperate poſture of his affairs, Thurloe, with great ſimplicity exclaims, "Truely, I think nothing but an unex-

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" pected providence, can remove the pre-
" ſent difficulties."

Towards the cloſe of his life, he appears to have become ſenſible of the folly and vanity of thoſe ambitious projects in which he had been engaged; and to have felt a conviction, that the power which he had attained was a mere ſhadow, likely upon the firſt gathering of a cloud, to vaniſh in a moment. If not touched with remorſe, for his crimes, he was at leaſt terrified by the proſpect of that vengeance which they had provoked. He became dejected, and melancholy. The face of a ſtranger gave him uneaſineſs. He was haunted inceſſantly by gloomy apprehenſions, and never thought himſelf ſecure in any ſituation. By concealing, and frequently changing the chamber which he ſlept, by the conſtant attendance of a ſtrong guard, by wearing a coat of mail under his cloaths, by ſeeking indirect roads when he performed a journey, and purſuing a different way in his return home; by theſe, and ſuch unavailing precautions, he endeavoured to prevent thoſe attacks which his anxious

anxious and tortured mind was continually foreboding.

The load of cares and vexation with which he was oppreſſed, at length affected his conſtitution, and produced a diſtemper which carried him off, in the forty-ninth year of his age. The thoughts of a future ſtate had, for ſome time, ſuggeſted to him uneaſy reflections; and the particulars which hiſtorians have tranſmitted upon that point, preſent the curious but diſguſting ſpectacle of a violent enthuſiaſt; conſcious of having deſerted all thoſe principles with which he ſet out in life, and now covered with guilt, and with infamy, endeavouring by the illuſions of fanaticiſm, to find religious conſolation in his laſt moments. He is ſaid to have aſked Godwin, one of his preachers, whether the doctrine was true, that the *elect* could never fall, or ſuffer final reprobation? "Nothing more certain," replied the preacher. "Then I am ſafe," ſaid the protector, "for I am ſure that once I was "in a ſtate of grace." So much of the original leaven remained, that he ſtill was capable of being wrought up to his former fervours.

ſervors. He believed that an anſwer had been given to his prayers, and to thoſe of his chaplains, promiſing that he ſhould not die of the preſent diſtemper.

Few characters have united more extraordinary qualities, or afford more ſubject for ſpeculation, than that of Oliver Cromwell. The ardour of his diſpoſition ſhould naturally, it might be ſuppoſed, have rendered him tenacious of any opinion or ſyſtem of conduct which he happened to embrace; and he ſeems from his infancy, to have acquired a ſtrong predilection for the peculiar tenets both religious and political, embraced at that period, by the independents. His attachments, in this reſpect, were fortified by early habits, and by the intercourſe and example of many kindred ſpirits, with whom he lived in the ſtricteſt intimacy and friendſhip. Yet this ſyſtem he afterwards abandoned; thoſe friends he betrayed; and all thoſe principles by which he had been diſtinguiſhed, and upon which he appeared to build his reputation, he ſcrupled not, for the ſake of a temporary and precarious power or emolument, openly to renounce. The

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man who in the company of Pym and Hambden, and other aſſertors of public liberty, had formed the reſolution of leaving his native country rather than ſubmit to the uſurpations of the crown, was not aſhamed to give the lie to all his profeſſions; and after having put the king to death for tyranny, to hold himſelf up to public view as one of the moſt notorious tyrants and uſurpers that the world ever beheld.

To his original and genuine fanaticiſm he was probably indebted for the ſucceſs of his projects. Had he not been at firſt ſincere in his profeſſions, it is not to be ſuppoſed that he could have gained the confidence of his companions and aſſociates, or that he would have riſen to much conſideration with the public. But being a real fanatic, and a real republican, he became diſtinguiſhed among thoſe of the ſame way of thinking; and in the ſubſequent progreſs of his mind towards a full and complete apoſtacy, it was probably a long time before they, or even before he himſelf, perceived the alteration. His hypocriſy and diſſimulation might eaſily be conſidered as uſeful and excuſable arts which he

he employed in a good cauſe; and his own aggrandizement might be regarded as a mere collateral object, which was not incompatible with the intereſt of the public. The moment when he began, directly, and without any ſubterfuge, to ſacrifice the latter to the former, when his irregular paſſions were no longer able to juſtify themſelves, and when his conſcience firſt avowed the naked truth of his deteſtable villainy, was doubtleſs a point ſcarcely viſible, which he would have no pleaſure in examining, but which, as ſoon as diſcovered, he would moſt carefully conceal.

It is at the ſame time obſervable, that though Cromwell was tempted by his ambition to abandon thoſe patriotic views, to which his temper and early habits had ſtrongly inclined him, his natural diſpoſition ſtill appeared conſpicuouſly in all caſes where it was not counteracted by the conſideration of his own intereſt. Though he had ſet himſelf above the laws, and in the exerciſe of thoſe illegal powers which he had aſſumed, was guilty of the moſt arbitrary proceedings, yet in maintaining the police

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of the country, and in the ordinary adminiſtration of government, he diſplayed great vigour and public ſpirit. "Weſtminſter "hall," by the confeſſion of Lord Clarendon, "was never repleniſhed with more "learned and upright judges than by him; "nor was juſtice either in law or in equity, "in civil caſes, more equally diſtributed "where he was not a party." He is admitted, even by his enemies, to have eagerly ſelected perſons of ability and reputation to fill the various departments of public buſineſs; to have been a zealous promoter of ſcience, and a munificent patron of genius and learning.

With whatever diſguſt or indignation every ingenuous mind will contemplate the ſucceſsful villainy of this extraordinary perſon, it is impoſſible to withhold a degree of admiration from his uncommon abilities; the boldneſs with which he planned, and the ſteady reſolution with which he executed his meaſures; the dexterity with which he availed himſelf of the animoſity, and the jealouſies prevailing among the different parties; the penetration with which he diſcovered

covered the foibles of his own partizans and the artful policy by which he rendered them the dupes of their own intereſted views. His ſituation admitted of no regular ſyſtem of operations, but required ſuch immediate exertions as were inſtantaneouſly ſuggeſted by the occaſion; and in theſe he ſeldom was guilty of any overſight, or let ſlip any opportunity to forward his deſigns. The characteriſtical and prominent feature of his conduct was deciſion. Placed on a new ground, and frequently on the brink of a precipice, without any beaten path to direct him, he never heſitated in chooſing his courſe and the purſuit of his object, ſeldom committed any falſe ſtep, or met with any conſiderable diſappointment.

His uncommon deficiency in elocution muſt appear ſurpriſing to thoſe who conſider the clearneſs of his judgment, and the quickneſs of determination which he exhibited in all his actions. This might ariſe from a variety of cauſes; from ſlowneſs of imagination, a quality not incompatible with ſound underſtanding; from his early neglect to cultivate this uſeful talent; from the unintel-

intelligible jargon which his fanatical habits had rendered familiar to him; and laſtly, from the neceſſity he frequently was under of diſguiſing and concealing his real intentions and ſentiments. Perſpicuity is the foundation of eloquence; but thoſe perſons can never be perſpicuous who are afraid of being underſtood.

A ſtrong propenſity to ſarcaſtic mirth, and bufoonery, has been taken notice of as a remarkable ingredient in the compoſition of this wonderful character. The amuſement he found in putting burning coals in the boots of his officers, or inviting them to a feaſt, while the common ſoldiers were directed at a certain ſignal, to ruſh in and run away with the diſhes; his flinging a cuſhion at the head of a Ludlow, when they were engaged in a conference upon a ſubject of no leſs importance than the ſettlement of the conſtitution; his taking the pen to ſign the warrant for the execution of Charles, and bedaubing with ink the face of Martin, who ſat next him; his indecent ſuggeſtion, that a perſon who ſaw him and his companions on their knees round the table, might imagine

imagine they were *ſeeking the Lord*, while they were only *ſeeking a bottle-ſcrew*; theſe and other inſtances of caurſe and unſeaſonable mirth are collected by his biographers, as forming a manifeſt inconſiſtency in the character of ſo great a man. In that violent meaſure, when he diſſolved the houſe of commons, we find him indulging a moſt abſurd and whimſical vein of raillery and ſarcaſm, and inſulting the members, while he put an end to their authority: "Thou "art a whoremaſter—thou art an adul-"terer—thou art a drunkard, and a glut-"ton.—Take away this bauble (the mace.) "O! Sir Harry Vane! Sir Harry Vane! "The Lord deliver me from Sir Harry "Vane!"

When things which appear important and ſolemn to the reſt of the world, are from a ſingular diſpoſition, beheld by any individual with indifference or contempt, they are apt from the contraſt of his own emotions and ſentiments with thoſe of others, to excite laughter and ridicule. Thus a melancholy man who derives no pleaſure from the common enjoyments of life, is diſ-

poſed to make a jeſt of the buſtle created by avarice or ambition, and of the idle purſuits in which the bulk of mankind are engaged. The hardened villain, whoſe mind has become callous to the impreſſions of humanity and virtue, is in the ſame ſituation with regard to the ſacred ties of honour and conſcience; and is apt to hold in deriſion thoſe kind and generous feelings, thoſe principles of right and wrong, by which men are bound together in ſociety, and by which they are determined in many caſes to ſacrifice their intereſt to their duty. He not only beholds from the ſtate of his own heart, every appearance of generoſity and virtue under this ridiculous aſpect, but is diſpoſed, in defence of his own conduct, and as a kind of antidote to the cenſure and execration of mankind, to cheriſh and hold up this view of things, both to himſelf and to others. The great painter of the human heart has, in the character of Hamlet, exhibited a man of ſenſibility, and of a melancholy caſt, indulging himſelf in the fancy, that the conqueror of the world might be employed to ſtop a beer barrel; and in ſuch ludicrous views of

mankind

mankind as tend to demonſtrate the vanity and folly of their boaſted accompliſhments, their eager deſires, and their unwearied purſuits. In the character of Richard the Third, the ſame author has diſplayed the ſarcaſtic humour of a villain, who makes a jeſt, not only of the follies and weakneſſes, but of the virtuous diſpoſitions and conſcientious ſcruples of mankind. The piety of Saint Harry, the holy laws of Gray-beards, the credulity of Lady Anne, in believing his promiſes, the affection of his mother, and her tender concern for his welfare, with every quality that is commonly regarded as valuable and praiſe-worthy, are the ſtanding objects of his deriſion and merriment. Somewhat akin to this diſpoſition, in the dramatic character of Richard, is the ruſtic jocularity of Cromwell which appears to aim at laughing all virtue out of doors, at the ſame time that it ſeems to convey the expreſſion of exultation and triumph in the ſucceſs of his hypocriſy. Upon reading the treatiſe of Harrington, in which that author thought proper to expreſs a confident expectation that the protector would eſtabliſh

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a commonwealth, this facetious uſurper is reported to have ſaid—" The gentleman " had like to have trepanned me out of " my power; but what I have got by the " ſword, I will not quit for a little paper " ſhot.*"

When we examine the conduct of Cromwell in all its parts, it may ſeem ſurpriſing that his memory has been treated with more lenity and indulgence than it certainly deſerves. This may be explained from the influence of popular feelings; and ſtill more from the character and ſentiments of political parties. His great abilities, the ſucceſs of all his undertakings, and the reſpect which he commanded from all the powers

* The ſame diſpoſition to ſarcaſtic humour has been exhibited in our day, in a political character, reſembling that of Cromwell in many reſpects; I mean the famous Robeſpiere; an enthuſiaſt, though of a different ſpecies; of a temper more gloomy, and marked with deeper lines of cruelty; not more ſcrupulous in betraying his friends; but ſteady in ſupporting that ſyſtem which he originally profeſſed to adopt, and as far as appears, uncorrupted by motives of pecuniary intereſt.—*Dr. Moore's Journal.*

of Europe † ſeized the imagination of Engliſhmen, and were calculated to gratify national vanity. The partizans of the houſe of Stewart were, at the ſame time, induced to hold up the favourable ſide of the policy of Cromwell in order to blacken the memory of thoſe patriots who were not leſs the enemies of that uſurper than of the abſolute power of the crown. They affected to conſider the uſurpation of the protector as a neceſſary conſequence of the attempts to reſtrain the prerogative, were better pleaſed with the protectorate than with a republican ſyſtem, and ſeem to have felt towards him a ſort of gratitude for overthrowing that form of government to which they were moſt adverſe.

The death of Cromwell put an end to that authority which, probably, even if he had lived, he would not have upheld much longer. His ſon Richard, whom he had nominated to the office of protector, had

† While all the neighbouring potentates to you,
Like Joſeph's ſheaves pay reverence and bow.
Walter's Verſes to the Protector.

neither

neither the ambition to deſire, nor the capacity to maintain it. The leaders of the army, whoſe influence encouraged them to aim at the ſupreme power, could not be retained in ſubjection. Richard was depoſed. The remains of the *long parliament* were recalled. Fleetwood and Lambert, who were at the head of the Engliſh forces, attempted to give law to this aſſembly; but they wanted the tranſcendant genius of Cromwell to effect their purpoſes. General Monk, who commanded a ſmaller but probably a better diſciplined army in Scotland, was immediately ſummoned to the aſſiſtance of parliament. Having marched up to London, he proceeded ſo far in obedience to the commons as to carry military execution into the city, for refuſing to pay the taxes impoſed by parliamentary authority.

This attempt ſhews pretty clearly that he intended to tread in the paths of Oliver Cromwell; but finding by the general voice of the public, that the plot was not likely to ſucceed, he ſeems to have quickly changed his ground; and endeavoured without loſs of time to repair this unlucky ſtep; he

exerted all his intereſt in recalling the royal family. In this deſign he was ſeconded by a great part of the nation; by all who had been ſhocked and diſguſted with the late violent meaſures, and who ſaw no end to the diſorders and calamities ariſing from the ambition and ſiniſter views of the military leaders.

CHAPTER

CHAPTER VI.

Of the Reigns of Charles the Second, and James the Second.

THE reſtoration of Charles II. to the throne of his anceſtors, was produced in ſuch hurry and agitation of ſpirits as precluded every attention and precaution which prudence and deliberation would have ſuggeſted. The different parties who united in this precipitate meaſure, were too heterogeneous in their principles, and too jealous of one another, as well as too much afraid of the partiſans of the protectorate, or the ſupporters of a republican ſyſtem, to form any regular concert, and thus to hazard the delay which an attempt to limit the powers, and to regulate the conduct of the ſovereign, would have required. Having no leiſure for entering into particulars, they were ſatisfied with the profeſſions of Charles, conceived in vague and general terms; that, in matters of religion, he would ſhew indulgence

gence to differences of opinion; that he would grant a free pardon to all offences committed againſt him by his ſubjects, reſerving to the conſideration of parliament the exceptions that ought to be made; and that, in relation to the changes lately introduced in the ſtate of property, he would refer all future claims to the determination of that aſſembly. None of thoſe political points, therefore, which, after the acceſſion of James I. had been the ſubject of controverſy, were, on this occaſion, ſettled or explained; and the monarch, aſſuming the reins of government, without any limitations or conditions, was underſtood to recover all that extent of prerogative which, before the commencement of the civil war, had been veſted in the crown.

The principal events in this reign exhibit a diſguſting repetition of ſimilar ſtruggles to thoſe which had occurred under the two firſt princes of the Houſe of Stewart, and afford no proſpect of that ſplendid ſucceſs with which, in a ſhort time after, the cauſe of liberty was fully crowned. The great unanimity with which the nation had concurred in reſtoring the royal family was repre-

repreſented as an experimental proof of the futility and imprudence of thoſe pretended improvements in the government, which had of late been attempted; but which had ended in a new and moſt arbitrary ſpecies of deſpotiſm, or rather in total anarchy and confuſion. The tide was now turned in favour of the monarch; and his old adherents became the governing party in the ſtate. The ſhame and diſgrace attending the late meaſures were, in ſome degree, communicated to all who had any ſhare in their accompliſhment, and became the ſubject of exultation and triumph to thoſe who had followed the oppoſite courſe. Men ſtrove, by their ſervices, to compenſate their former diſaffection; and, in proportion to the ſeverity with which they had treated the father, they were warm in their profeſſions of attachment and loyalty to the ſon.

The agreeable qualities and accompliſhments of the king, joined to the memory of the hardſhips which he had ſuffered, contributed to improve thoſe favourable diſpoſitions. Equally removed from the pedantic vulgarity of his grandfather, and from the haughty reſerve and formality of his father,

Charles

Charles II. poſſeſſed an affability and eaſe of deportment, a fund of wit and pleaſantry in converſation, a knowledge of the world, and diſcernment of the weakneſſes of mankind, which qualified him to win the hearts of his ſubjects, and to procure their indulgence even to the blemiſhes and vices of his character. The popularity of the prince was, in ſome meaſure, extended to all that party who, having been his fellow-ſufferers, had acquired, by their fidelity and attachment, a ſtrong claim to his favour and confidence. As they now filled the principal offices of truſt and emolument, the influence and power, the conſideration and rank, which they now enjoyed, gave reputation and conſequence to their peculiar ways of thinking and modes of behaviour. Thoſe who had followed the fortunes of Charles were chiefly among the higher claſs of gentry, who, by their ſituation in life, had acquired that reliſh of pleaſure and diſſipation which affluence naturally beſtows; and this original diſpoſition was confirmed by their long reſidence in France, where gaiety

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and elegance had made greater advances than in any other part of Europe. Upon returning to England, they propagated all their own habits and prepoſſeſſions. The ſour and rigid ſobriety of the puritans was now laughed out of doors. All extraordinary pretenſions to devotion, all inward illuminations of the ſpirit, were treated as knavery and hypocriſy. Loyalty to the king; generoſity, frankneſs, and hoſpitality; a taſte for converſation, and for the enjoyments of ſociety and good fellowſhip, were looked upon as the characteriſtics of a gentleman, and the diſtinguiſhing marks of a liberal education. Charles himſelf, from his indolence, and the eaſineſs of his temper, had an utter averſion to buſineſs, and a ſtrong propenſity to pleaſure. Careleſs about religion and government, and ſtudying only to gratify his own inclinations, he was little attracted by objects of ambition, or by the pomp and pageantry of a crown; and ſet no value upon any talents and accompliſhments but ſuch as were ſubſervient to his amuſement, or conducive to mirth and feſtivity.

feſtivity. The obſequiouſneſs of the court in adopting the manners of the ſovereign, and the effect of its influence and example throughout the nation, may eaſily be conceived. Thus the faſhion of the times paſſed ſuddenly from one extreme to another; from fanaticiſm, and a cynical contempt of the innocent enjoyments of life, to irreligion and libertiniſm, to voluptuouſneſs and debauchery.

Upon the reſtoration of Charles, the firſt national object was the procuring an act of general indemnity and oblivion; which the king paſſed with great alacrity. The exceptions, in excluſion of ſuch as had been accounted notorious offenders, were not numerous; and even among thoſe who had ſat upon the trial of his father, only ten were put to death. To do juſtice to this prince, it muſt be acknowledged, that a revengeful temper was not in the number of his vices. He had, beſides, every reaſon to court popularity; and it was neceſſary, for conciliating the affection and future loyalty of his ſubjects, to convince them that their paſt offences were forgotten.

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To procure a revenue, which might render him in ſome degree independent, was, on the other hand, the immediate object of the king. In this he was not unſucceſsful; having obtained from parliament not only 1,200,000 l. as an ordinary peace eſtabliſhment, a revenue much larger than had been enjoyed by his predeceſſors; but alſo a variety of large ſums for occaſional purpoſes; in particular, for enabling him to pay off and diſband the army, that army which had been the baſis of the late uſurpation, and from which the nation, we may ſuppoſe, was now anxious to be delivered *.

The diſputes and diſturbances which began early, and which continually clouded and diſgraced this unpropitious reign, may be traced to two ſources, which, however, were intimately connected; to the jealouſy and bigotry produced by religious differences; and to the deſigns of the crown, partly through the medium of thoſe differences, to eſtabliſh a deſpotiſm.

* See Life of Charles II. by Wm. Harris.

When Charles was recalled from poverty and exile to the throne of his anceſtors, it is probable that, humbled in the ſchool of adverſity, he had formed the reſolution to avoid any ſuch conteſt as might endanger, a ſecond time, the loſs of his crown. But after he had been ſeated, with apparent firmneſs, in the full poſſeſſion of regal authority, his thoughtleſs temper, eaſily ſubdued by the counſel of friends and favourites, diſpoſed him to forget the ſalutary leſſon inculcated by his misfortunes, and betrayed him into meaſures no leſs arbitrary and unconſtitutional than thoſe which had brought his father to the block. Though not ambitious of power, he was rapacious of money for the ſupport of his pleaſures; and, from his extravagant diſſipation, feeling conſtantly the vexatious preſſure of wants, he was never contented with thoſe moderate ſupplies which he occaſionally obtained from parliament. Weary, therefore, of continual, and often vain applications to that aſſembly, and impatient of the mortifications to which he was frequently ſubjected, he liſtened with avidity

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to every propoſal for delivering him from ſuch reſtraints, and for enabling him to ſupply his neceſſities by virtue of his own prerogative.

With reſpect to religion, the jealouſy, the partialities, and prejudices of the court, and of the people, operated in various directions. It is now ſufficiently known, though it was then only ſuſpected, that the king, while abroad, had been reconciled to the church of Rome*; a meaſure not, in all probability, dictated by any religious impreſſions, of which he was not very ſuſceptible; but proceeding from political motives, or from the facility of his nature, which rendered him incapable of reſiſting the importunity of his friends. His brother the Duke of York, the preſumptive heir of the crown, was a bigoted Roman Catholic, and with inferior abilities, but more obſtinacy and more talents for buſineſs, had gained a complete aſcendant over the mind of Charles. But whatever deſire theſe two princes might feel to eſtabliſh the Popiſh religion, it was neceſſary to conceal their

* Dalrymples Memoirs.

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ſentiments, and to accommodate their behaviour to the popular opinion. The partiſans of the church of England, who had been the great ſupporters of the crown in the reign of Charles I. and who formed the moſt numerous and powerful body in promoting the reſtoration, were juſtly entitled, according to the views entertained in that period, to claim the re-eſtabliſhment of that authority, and of thoſe modes of worſhip which they had formerly poſſeſſed. The reſtoration of epiſcopacy, therefore, went hand in hand with that of monarchical government; the biſhops reſumed their ſeats in parliament; and the lands of the church, together with thoſe of the crown, which had been alienated under the protectorate, were immediately reſtored to thoſe public uſes for which they had anciently been appropriated. That no compenſation was made, in this caſe, to the purchaſers, whoſe titles had originated in an uſurpation, now execrated by all ranks of men, will not appear ſurpriſing *.

* See Harris's Life of Charles II.

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In this peculiar ſtate of things, there prevailed univerſally, among the proteſtants of every denomination, an apprehenſion of the deſigns of the crown to promote the eſtabliſhment of the Romiſh religion; as there exiſted, in the members of the church of England, a ſtrong reſentment againſt the puritans, and a violent ſuſpicion of their future machinations. It may be obſerved, at the ſame time, that theſe two branches of Proteſtants felt reciprocally more jealouſy and hatred of each other, than they entertained againſt their common enemy, the Roman Catholics; in proportion as their ſyſtems were more a-kin, and as their mutual animoſities had been excited by more recent hoſtilities, as the church of England had been ſo lately overturned by the diſſenters, it was natural to look for ſimilar attempts from the ſame quarter, and to guard againſt them with the utmoſt anxiety. Unhappily, the means adopted for this purpoſe, were equally illiberal and imprudent. By requiring a ſtrict uniformity in matters of religion, and by inflicting ſevere penalties againſt all non-conformiſts, it was propoſed

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to defend the church from the attacks of the ſectaries, and to ſecure her eſtabliſhment from the hazard of religious innovation. To ſay nothing of the tyranny of domineering over the rights of conſcience, by compelling mankind to embrace, or profeſs opinions which their underſtandings have rejected; the experience of all ages has demonſtrated that perſecution, inſtead of exterminating, is the moſt effectual inſtrument for propagating ſyſtems of religion; and that the courage and reſolution almoſt univerſally diſplayed by thoſe who are martyrs to their faith, enflames the enthuſiaſtic ardour of their adherents, and excites a general admiration, which becomes the natural ſource of reputation and proſelytiſm. By a ſtatute, it was declared unlawful for more than five perſons, beſide thoſe of the ſame family, to aſſemble for any ſpecies of worſhip different from that eſtabliſhed by law; and every tranſgreſſor was, for the firſt offence, ſubjected to the payment of five pounds, or three months impriſonment; for the ſecond, to the payment of ten pounds, or ſix months impriſonment; and

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for the third, to the payment of an hundred pounds, or tranſportation for ſeven years. Not content with theſe immoderate ſeverities, the church procured a prohibition againſt every diſſenting teacher from coming within five miles of any corporation, or of any place where he had formerly preached; and this under the penalty of fifty pounds, and ſix months impriſonment *.

Epiſcopal church government was introduced alſo into Scotland; and, being known in that country to be extremely adverſe to the inclination of a great part of the inhabitants, was enforced by regulations yet more ſevere and oppreſſive. Meetings of the ſectaries for public worſhip, or, as they were called, *conventicles*, were prohibited, under ſimilar penalties as in England; but thoſe who frequented *field conventicles*, were puniſhed with death and confiſcation of goods; a large pecuniary reward was offered to any who ſhould apprehend thoſe offenders; and high penalties were inflicted

* Hume's Hiſt. of England.

upon ſuch as, being called upon oath, refuſed to give information againſt them. A military force was employed to kill or diſperſe the people diſcovered in thoſe illegal aſſemblies; and the execution of theſe barbarous meaſures was entruſted by the adminiſtration to men of unfeeling and brutal tempers, who, endeavouring to recommend themſelves by their activity, were guilty of the moſt horrible enormities *. Even thoſe who abſented themſelves from church, were, upon the mere report of the clergy, and without any trial, ſubjected to arbitrary fines; the payment of which was enforced by quartering ſoldiers upon the ſuppoſed delinquents †.

The oppreſſive treatment of the Preſbyterians, which, in conſequence of theſe laws, was continued in Scotland for a long period, has not been ſufficiently held up to the public by hiſtorians of credit, nor marked with that indignation and abhorrence which it ought to inſpire. The ſufferers, indeed,

* Hume's Hiſt. of England.

† Hume.

were

were a ſet of poor fanatics, whoſe tenets and manners have become, in this age, the objects of ridicule: but this conſideration will, ſurely, afford no apology for ſuch acts of cruelty and injuſtice. Charles appears to have conceived a peculiar diſlike to the Scottiſh covenanters, by whom he had been much harraſſed and diſguſted when under the neceſſity, in Scotland, of hearing their long prayers and ſermons, whoſe enthuſiaſtic ſpirit had involved his father in thoſe difficulties which gave riſe to the civil war, and whoſe treachery had finally delivered that unfortunate monarch into the hands of his enemies.

But though the king had, probably, little fellow-feeling with that obnoxious claſs of Preſbyterians, he was deſirous of alleviating the hardſhips to which the unreaſonable jealouſy of the church had ſubjected the Catholics, as well as the other ſects of nonconformiſts; and he ſeems to have been pleaſed with an opportunity, upon plauſible pretences, of granting ſuch relief by means of the *diſpenſing power* of the crown. It ſoon became evident, that this monarch enter-

tained the ſame notions of the Engliſh government which had been inculcated by his father and grandfather; and though cautious, at firſt, of exciting any diſguſt in the nation, he was emboldened by ſucceſsful experiments, and ventured more and more to ſhake off thoſe reſtraints which had been impoſed upon him by his fears. The convention which reſtored the monarchy, and was afterwards turned into a parliament, had contained a great proportion of Preſbyterians, and of ſuch as entertained very limited ideas of monarchy. It was, therefore, diſſolved in a few months after the new ſettlement had been effected; and gave place to a new parliament, which, agreeably to the prevailing ſpirit of the times, exhibited opinions and ſentiments, both in church and ſtate, more conformable to thoſe of the king.

In the year 1664, the *triennial act*, which had paſſed in the reign of Charles I. and which had effectually provided that there ſhould be no greater interval than three years between one meeting of parliament and another, was repealed; and the regular calling

calling of thoſe aſſemblies was again truſted to the diſcretion, or rather to the occaſional neceſſities of the king. This parliament was continued for about eighteen years; and, during a conſiderable part of that long period, ſhewed a pretty ſtrong and uniform diſpoſition to humour the inclinations of the ſovereign; but it ſeemed to imbibe a different ſpirit, in proportion as the terror occaſioned by the late civil war had abated, and as the arbitrary maxims of the crown were more clearly diſcovered.

So early as the year 1662, Charles declared his intention of diſpenſing with the penalties contained in the *act of uniformity*; at the ſame time that he requeſted the concurrence of parliament for enabling him, with more univerſal ſatisfaction, to exerciſe a power which he conceived to be inherent in the prerogative*. But this purpoſe, however cautiouſly expreſſed, and artfully recommended, was far from being agreeable to the nation. It was touching an old ſtring which had formerly ſounded an alarm to

* Hume.

the

the people, and reviving thoſe apprehenſions of popery and arbitrary power, which had given riſe to the civil war. It produced, therefore, a remonſtrance from the two houſes of parliament; and was, for the preſent, laid aſide.

In the year 1670, Charles, with concurrence of his brother, concluded a treaty with France, by which Lewis XIV. undertook to aſſiſt the King of England in eſtabliſhing popery and abſolute monarchy; and, for that purpoſe, to pay him a yearly penſion of 200,000 l. and to ſupply him with an army of 6000 men *. This ſcandalous tranſaction was kept, as we may eaſily believe, a profound ſecret from all but a few perſons, whoſe religion and political profligacy diſpoſed them to promote its accompliſhment. The king, at this time, profeſſed to be his own miniſter; but, in reality, was commonly directed by a ſecret council, or *cabal;* while the great officers of ſtate, who held the oſtenſible adminiſtration,

* See Dalrymple's Appendix to his Memoirs.—Hume's Hiſt. of England.

were

were left without influence or confidence. The nation was in this manner deprived of that ſecurity which, by the conſtitution, they were entitled to expect from the reſponſibility of thoſe individuals who filled the higher departments of government, and who might with juſtice, and without endangering the public tranquillity, be called to account for the meaſures committed to their direction. Even of this cabal, it is ſaid, that none were made acquainted with the French treaty but thoſe who had embraced the popiſh religion.

Having thus obtained the ſupport of a monarch ſo powerful, and ſo warmly intereſted in the ſucceſs of his meaſures, Charles thought himſelf in a condition to act with more vigour, and ventured, by his own authority, to grant an indulgence to all non-conformiſts, whether of the proteſtant or catholic perſuaſion. He iſſued, therefore, a proclamation, ſuſpending all the penal laws againſt thoſe two branches of the ſectaries; and allowing to the former in public, to the latter in private, the free exerciſe

exercise of their religion *. By this exertion of prerogative, the national suspicion was awakened; the jealousy among different sects of protestants was overwhelmed by the terror of their common adversary; and parliament, which had long connived at the designs of the crown, was roused in defence of its own privileges. The feeble mind of Charles was overcome by the violent opposition of that assembly, together with the clamour excited throughout the nation; and he retracted the measure with much profession of regard to the constitution, and of willingness to remove the grievances of the people †. By this unsteadiness of conduct, he encreased the confidence of his opposers, without removing the suspicions by which they were actuated.

From the animosity, hatred, and mutual jealousy which, during the course of this reign, prevailed among different sects and parties, men were easily disposed to credit the reports of plots and conspiracies propa-

* Hume's Hist. of England.

† Hume.

gated

gated to the prejudice of one another; and hence encouragement had been given to numerous criminal profecutions, followed by the condemnation of the fuppofed offenders upon inſufficient evidence. Thus in 1662, ſix perſons of low rank were charged with a deſign to reſtore the commonwealth, and, being condemned upon the teſtimony of two infamous witneſſes, four of them were executed. In the following year, a ſimilar charge was brought againſt no leſs than twenty-one perſons, who, upon the evidence of one pretended accomplice, were all convicted and put to death. Such fictitious conſpiracies, the fruit of groundleſs apprehenſion and terror, were at firſt imputed moſt frequently to the proteſtant ſectaries and friends of republican government; but, when the immediate fear of popery and of arbitrary power had become prevalent, imputations of a ſimilar nature were circulated, and readily believed againſt the Roman Catholics.

That the King, and his brother the Duke of York, had reſolved to ſubvert the eſtabliſhed government, in church and ſtate, and

and had entered into a treaty with France for this purpoſe, is now univerſally admitted. That many Roman Catholics were looking eagerly towards the ſame object; that they had ſuggeſted particular ſchemes, and held conſultations for promoting and accelerating its accompliſhment; or that, impatient of delays, they had even expreſſed, occaſionally, their wiſhes for the King's death, which might raiſe to the throne his brother, their zealous patron, who now openly profeſſed the Romiſh religion, is highly probable. From a few ſcraps of intelligence concerning ſuch vague intentions or expreſſions, Oates and Bedloe, two profligates, no leſs ignorant than ſhameleſs and unprincipled, with other aſſociates who became willing to participate in the ſame harveſt, appear to have reared the ſtructure of the *Popiſh Plot*; by which they aſſerted, that a regular plan was laid, not only for the eſtabliſhment of popery and deſpotiſm, but alſo for the murder of the King; and ſeveral perſons, at different times, had been hired to carry this latter purpoſe into execution. The accuſation was at firſt limited to men

of obſcure and doubtful characters; but afterwards, noblemen profeſſing the popiſh religion, and even the Queen, were involved as accomplices.

Though the ſtory told by theſe witneſſes was, in many reſpects, full of contradiction and abſurdity, though it was varied materially in the courſe of the different trials, and was not ſupported by any perſon of good reputation, there occurred ſome remarkable incidents, which contributed to beſtow upon it, at leaſt in the main articles, an air of credibility.

Godfrey, an active juſtice of peace, before whom Oates had made oath of the narrative which he afterwards delivered to the privy council, was, in a few days thereafter, found lying dead in a ditch, with his own ſword run through his body, but with evident marks of his having been previouſly ſtrangled. As he had not been robbed of his money, his death was imputed to the reſentment of the catholics, or conſidered as an attempt to intimidate the diſcoverers of their practices.

When

When Coleman, ſecretary to the Duke of York, one of the ſuppoſed accomplices in this conſpiracy, was apprehended, letters were found in his poſſeſſion, containing part of a correſpondence with Father La Chaiſe, in the years 1674, 1675, and 1676, which mentioned a deſign of the Roman Catholics, in conjunction with France, to overturn the eſtabliſhed religion in England. It was conjectured that, if the ſubſequent parts of this correſpondence had been found, they would have diſcovered alſo the later meaſures relating to the murder of the King, with which Coleman was charged.

After the popiſh lords had been impriſoned, one Reading, their agent, or ſolicitor, was clearly detected in tampering with the witneſſes, and endeavouring, by an offer of money, to make them ſoften their evidence. There was no proof that he had any commiſſion for that purpoſe from his clients; but the tranſaction could not fail to throw upon them a ſuſpicion of guilt.

Theſe different circumſtances were far from being concluſive as to the reality of the plot in queſtion; but, concurring with the panic which

which had ſeized the nation, they created a general belief of its exiſtence. The verdicts of jurymen were found in this, as in other caſes, to echo the national prejudice; and many perſons apparently innocent, at leaſt of any attempt to murder the King, were condemned and executed. The Viſcount of Stafford was, upon the ſame account, found guilty by a majority of the peers, and ſuffered a capital puniſhment.

That the *Popiſh Plot* was a groſs impoſture, can hardly, it ſhould ſeem, at this day, be diſputed: but that it was entirely a fabrication of the party in oppoſition to the court, for the purpoſe of promoting their political intereſt, as has been alleged by ſome authors, there is no room to imagine. Had it been invented by a ſet of artful politicians, it would have exhibited a more plauſible appearance, and have been leſs liable to detection from its numerous inconſiſtencies. It was the offspring of alarm and credulity, propagated, in all probability, from a ſmall ground-work of truth; and, when it had grown to maturity, employed by an intereſted policy, as a convenient engine

engine for counteracting the pernicious meaſures of the crown *.

During the ferment which had thus been excited in the minds of the people, it is not ſurpriſing that the Roman Catholics had recourſe to a ſimilar expedient, and endeavoured by a counter-plot, not only to retaliate the ſufferings they had met with, but alſo to turn the tide in their own favour. This undertaking was conducted by one Dangerfield, a man in low circumſtances, and of infamous character, who offered to make diſcoveries of a conſpiracy, for new-modelling the government, and for driving the King and the royal family out of the kingdom. He was well received by the Duke of York and the King; but the impoſture was quickly detected, and even acknowledged; ſo as to recoil upon the inventors, and produce conſequences directly oppoſite

* See the State Trials relating to this ſubject.—Alſo Burnet's Hiſtory of his own Time; in which there is an impartial account of the particulars in this remarkable event, with a candid picture of the impreſſion which they made upon the author and ſome of his friends.

to

to thoſe which were intended *. This pretended conſpiracy was, from the place where Dangerfield's papers were found, called the *Meal Tub Plot*.

The alarm which, from the belief of a popiſh plot, had thus been excited and ſpread over the nation, was now pointed more immediately to the proſpect, that, upon the demiſe of Charles, the crown would devolve upon the Duke of York, a profeſſed Roman Catholic, totally under the dominion of the prieſts of that perſuaſion, and who, in the preſent reign, had, according to the general opinion, influenced and directed all the violent meaſures of the crown. Under ſuch a prince, conducting with his own hands the machine of government, ſupported and aſſiſted by all the catholic powers of Europe, and believing it highly meritorious to employ either fraud or force to accompliſh his purpoſes, there was reaſon to apprehend that neither civil nor religious liberty could be maintained. For ſecuring, therefore, the moſt important

* Burnet.

rights

rights of the community, for guarding the conſtitution and the proteſtant religion, it was thought neceſſary that the ordinary rules of government ſhould, in this emergency, be ſuperſeded, and that, by an act of the legiſlature, the lineal heir ſhould, in ſuch particular circumſtances, be excluded from the throne. That the crown of England was commonly tranſmiſſible by inheritance, like a private eſtate, could not be diſputed; but that this regulation, intended for the good of the people, by avoiding the inconveniences of an elective monarchy, might be ſet aſide in extraordinary caſes, was equally certain; and, if ever there occurred a caſe of extreme neceſſity, demanding imperiouſly a meaſure of that ſort, the preſent emergency, in which the nation was threatened with the loſs of every thing dear and valuable, was, doubtleſs, a remarkable inſtance *.

* See Coleman's Papers; from which the deſigns of the Duke of York, and of the Roman Catholic powers, to eſtabliſh popery and deſpotiſm in England are ſufficiently manifeſt.

A bill

A bill for excluding the Duke of York from the ſucceſſion to the crown was accordingly introduced into the houſe of commons, and puſhed with great violence in three ſeveral parliaments. The King, inſtead of yielding to the deſires of the people with that facility which he had ſhewn on former occaſions, remained inflexible in oppoſing the meaſure, and at length, when every other expedient had failed, put a ſtop to it by a diſſolution of parliament. The bill, however, was finally permitted to paſs through the commons, but was rejected in the houſe of peers. To explain this, it may be obſerved, that, beſide the general influence of the crown in the upper houſe, there had occurred a change in the current of political opinions, which had, probably, an effect upon the ſentiments of the nobility, and more eſpecially of the biſhops. In the courſe of the inveſtigations concerning the popiſh plot, the numerous falſehoods and abſurdities reported by the witneſſes could not fail, by degrees, to ſhake the credit which had been at firſt given to their teſtimony, and even to create in many a total

diſbelief of that ſuppoſed conſpiracy. In proportion as the terror of popery ſubſided, the jealouſy which the church of England had long entertained of the diſſenters was revived; and gave riſe to an apprehenſion that the hierarchy would be endangered by ſuch limitations upon the right of the crown. This jealouſy the King had the addreſs to promote, by repreſenting the *excluſioners* as a combination of ſectaries, who meant now to overturn the government, both in church and ſtate, as they had done in the reign of his father.

The entire defeat of the excluſion bill was followed by the complete triumph of the royaliſts, who, ſupported by the zealous friends of the hierarchy, were now become the popular party. The church and the King were now underſtood to be linked together by the ties of mutual intereſt; and they went hand in hand, exalting and confirming the powers of each other. In Scotland, great ſeverities were committed againſt the Preſbyterians. In England, the late behaviour of parliament afforded the Monarch a pretence for neglecting to call

thoſe

thoſe aſſemblies; and his conducting every branch of adminiſtration without their concurrence, occaſioned leſs complaint or uneaſineſs than might have been expected.

To new-model the government of the city of London, Charles iſſued a writ of *quo warranto*, by which a forfeiture of the corporation, upon ſome frivolous pretence of delinquency, was alleged; and the city, to preſerve its privileges, was under the neceſſity of ſubmitting to ſuch conditions as the King thought proper to impoſe. By the terror of a ſimilar proceſs, moſt of the other boroughs in the kingdom were induced to ſurrender their charters, and to accept of ſuch new conſtitutions as the court thought proper to grant. The direction and management of thoſe corporations was thus brought entirely into the hands of the crown; and preparation was made for eſtabliſhing an unlimited authority over the commons, if ever the calling of a future parliament ſhould be found expedient.

While the King was thus advancing with rapid ſtrides in the extenſion of his prerogative, we may eaſily conceive the diſappointment,

pointment, indignation, and deſpair, of thoſe patriots who had ſtruggled to maintain the ancient conſtitution. That they ſhould complain loudly of theſe proceedings; that they ſhould vent their diſcontent and reſentment in menacing expreſſions; and that, as other methods had failed, they ſhould even think of reſorting to violent meaſures in defence of their natural rights, is not ſurpriſing. It was likewiſe to be expected, that government would have a watchful eye over the conduct of theſe malcontents, and would liſten with avidity to every information which might give a handle for bringing them to puniſhment. In this irritable ſtate of the public mind, what is called the Ryehouſe Plot was diſcovered, and became the ſubject of judicial inveſtigation. It ſeems now to be underſtood, that the perſons engaged in this conſpiracy had formed various plans of inſurrection, and had even propoſed the killing of the King; but that none of their meaſures had ever been carried into execution*. Such of them as

* Hume—Burnet—The State Trials.

could

could be convicted were puniſhed with the utmoſt rigour. Every one knows that Lord Ruſſel, and the famous Algernon Sidney ſuffered upon the ſame account. It ſeems, however, to be now univerſally admitted, that the proof brought againſt them was not legal *. There is no reaſon to ſuſpect, that they had any acceſſion to the Ryehouſe Plot, or that they had ever intended the King's death. Though it is not improbable that they had held diſcourſes concerning inſurrections, they do not appear to have taken any ſpecific reſolution upon that ſubject; far leſs to have been guilty of any overt act of rebellion: but they were the leaders of the party in oppoſition to the crown; the great patrons and promoters of the excluſion bill; the irreconcileable enemies to the exaltation of the Duke of York, and to thoſe political and religious projects which he was determined to purſue †.

* See Hume.

† See the Trials of Ruſſel and Sidney—Burnet's Hiſt. of his own Time—Harris's Life of Charles II.—See alſo, ecret Hiſtory of Ryehouſe Plot. With reſpect to the narrative of Lord Gray, contained in this publication, it can

The public has of late been amuſed, and ſeveral well-meaning perſons have been diſturbed by the diſcovery of ſome particulars, from which it is alleged that both Lord Ruſſel and Mr. Sidney, with other diſtinguiſhed members of parliament, were engaged by the intrigues of the French court to oppoſe the Engliſh miniſtry, and that Mr. Sidney received money from Lewis XIV. for the part which he acted on that occaſion *.

Though the merits of the great political queſtions which were agitated at that period, or ſince, have no dependence upon the degree of integrity or public ſpirit diſplayed by the adherents of different parties, it is not only a piece of juſtice, but a matter of ſome importance in the political hiſtory of England, to vindicate from ſuch diſagreeable aſperſions thoſe highly celebrated charac-

can have little weight, if we conſider the bad character of the author, and that it was written under a ſentence of condemnation, with a view to juſtify the illegal meaſures of the court.

* See the hiſtories of Dalrymple and M'Pherſon, with the papers referred to.

ters, who have hitherto poſſeſſed the eſteem and admiration of their countrymen.

With reſpect to their co-operation with the court of France, in oppoſing th · deſigns of Charles and his miniſtry, which is all that is alleged againſt Lord Ruſſel and ſome others of the party, we muſt form our opinion from the peculiar circumſtances of the times. About the year 1678, when the deſigns of the Engliſh court to eſtabliſh an abſolute government had become very apparent, England, by the marriage of the Prince of Orange to the daughter of the Duke of York, had been driven into a temporary connection with the States of Holland, and, in that view, had raiſed a conſiderable army to be employed againſt France. The intereſt of the French court, therefore, who dreaded the operations of this hoſtile armament, coincided, at this time, with the views of the Whig party in England, who, from a jealouſy of the crown, were eager that the troops might be ſpeedily diſbanded; and the latter could incur no blame in making uſe of the incidental, and, perhaps, unexpected aſſiſtance of the former, for pro-

promoting their great object, the defence of their liberties. It seems to be acknowledged, that by doing so, this party reposed no confidence in the French councils, and followed no other line of conduct than would have been adopted, if no such agreement had taken place. They forfeited no advantage, they sacrificed no duty to their own country, but merely availed themselves of the temporary policy of the French monarch, and, whatever might be his motives, employed him as an instrument to prop that constitution which he had long been endeavouring to undermine.

With respect to the allegation, that Mr. Sidney was a pensioner of France, the proof of this fact depends upon the letters and memorials of Barillon, the French agent, and the accounts laid before his own court, in which he states two several sums, of 500 l. each, advanced to Mr. Sidney *.

The authenticity of these accounts, examined, it should seem, and transcribed with little precaution, and produced, for the

* See Dalrymple.

first

firſt time, at the diſtance of near one hundred years, has been thought liable to ſuſpicion; more eſpecially when it is conſidered, that the odium occaſioned by the illegal condemnation of Sidney, which fell unavoidably on Charles and the Duke of York, would have been in ſome meaſure alleviated by the immediate publication of this myſterious tranſaction with France. But, even ſuppoſing the accounts to be genuine, there may be ſome reaſon to doubt, how far the repreſentation of this money-jobber, in a matter where his own pecuniary intereſt, and his reputation and conſequence with his conſtituents, were ſo nearly concerned, is worthy of credit. Barillon himſelf acknowledges, that "Sidney always appeared to "him to have the ſame ſentiments, and not "to have changed his maxims *."—"That "he is a man of great views, and very high "deſigns, which tend to the eſtabliſhment "of a republic †." That Sidney was known, on that occaſion, to be the ſteady friend of

* Dalrymple's Appendix, p. 262.

† Ibid. p. 287.

thoſe

thoſe meaſures which Barillon was employed to promote, is not diſputed. How, then, came this French agent to be ſo laviſh of his maſter's money, as to throw it away upon a perſon who had already embarked in the ſame cauſe, and who, from this bribe, was induced to do nothing which he would not have done without it? There ſeems to be but one explanation which this will admit of; that, if the money was actually given to this eminent le der; it muſt have been intended merely to paſs through his hands, for gaining thoſe inferior perſons, whoſe aſſiſtance, in the preſent emergency, it might be convenient to purchaſe. But that either Lord Ruſſel or Mr. Sidney betrayed the intereſt of their own country to that of France, or deviated in any particular, from their avowed political principles, has never been alleged, nor does there ſeem to be any colour for ſuppoſing it *.

The death of Charles II. which happened in the beginning of the year 1685, prevented his completing that ſyſtem of abſolute go-

* See Lady Ruſſel's Letters.

vernment,

vernment, in which he had made ſuch conſiderable progreſs. Towards the end of his reign he found himſelf involved in great difficulties from want of money; and is ſaid to have been filled with apprehenſion, that his late arbitrary meaſures would be attended with fatal conſequences. It is reported that, in a converſation with the Duke, he was overheard to ſay: "Brother, I am too old "to go again to my travels; you may, if "you chuſe it." And it was believed, that he had formed a reſolution to give up all further conteſt with his people, to change his counſellors, to call a parliament, and to govern for the future according to the principles of the ancient conſtitution *.

The character of this prince is too obvious to require any full diſcuſſion. He poſſeſſed a ſociable temper, with ſuch an eminent portion of the talents and accompliſhments connected with this diſpoſition, as rarely falls to the lot of a king. Here we muſt finiſh his eulogy. In every other view we can diſcover nothing commendable; and it is

Burnet,

well

well if we can apologize for foibles by the mere abſence of criminal intention. His open licentiouſneſs and profligacy in the purſuit of his pleaſures, not only tended, by example, to corrupt the national manners, but occaſioned an extravagance and profuſion in his expences, which drove him to unwarrantable methods of procuring money from his ſubjects. He had little ambition to render himſelf abſolute. He had no attachment to any plan of deſpotic government. The divine indefeaſible right of kings was a doctrine to which he was willing to ſacrifice neither his eaſe nor his amuſement. But, on the other hand, he was totally deſtitute of that public ſpirit which excites an active and ſuperior mind to admire, and to promote, at the expence of his own ſafety or intereſt, the nice adjuſtment of parts in the great machine of government. He was no leſs negligent of the national honour and dignity, than indifferent about his own. His extreme indolence, and averſion to buſineſs, leading him to devolve the weight of public affairs upon others, and particularly upon the Duke of York, who gained

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an abſolute aſcendant over him, and purſued a regular ſyſtem of tyranny. Upon the whole, when we conſider how far the miſconduct of this careleſs monarch was imputable to his miniſters, we ſhall, perhaps, be diſpoſed to admit that, with all his infirmities and vices, he had leſs perſonal demerit than any other king of the Stewart family.

The acceſſion of James II. afforded a complete juſtification of thoſe who had contended, that his excluſion from the throne was neceſſary for ſecuring the liberties of the people. No ſooner did he aſſume the reins of government, than his fixed reſolution to overturn the conſtitution, both in church and ſtate, became perfectly evident. It was happy for the rights of mankind, that he was actuated no leſs by the principle of ſuperſtition than of civil tyranny; as the former contributed much more powerfully than the latter, to alarm the apprehenſions, and to rouſe the ſpirit of the nation. It was yet more fortunate that he proved to be a prince of narrow capacity, of unpopular

pular and forbidding manners, blended and miſled by his prejudices, and though, to the laſt degree, obſtinate and inflexible, totally deſtitute of ſteadineſs and reſolution.

One of the firſt acts of the adminiſtration of James, after declaring in the privy council his determined purpoſe to maintain the rights and liberties of the nation, was to iſſue a proclamation, ordering that the cuſtoms and exciſe ſhould be paid as in the preceding reign. By this arbitrary meaſure he aſſumed the moſt important province of the legiſlature; and though, for ſaving appearances, an expedient had been ſuggeſted, that the order of payment ſhould be ſuſpended until the meeting of parliament, he rejected this propoſal, becauſe it might ſeem to imply that the authority of the national council was requiſite for giving validity to this exertion of the prerogative.

From the power over the city of London, and over the other boroughs in the kingdom, which had been acquired in the late reign, James had no reaſon to fear oppoſition from parliament, and was, therefore, willing to make an early trial of the diſpoſi-

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tions of that aſſembly. At their firſt meeting, he demanded, in a high tone of authority, that the revenue which had been enjoyed by his brother ſhould be ſettled upon him during life; and this demand he accompanied with a plain intimation, that their implicit compliance was the only way to ſecure their frequent meetings, and to prevent his reſorting to other methods for procuring a revenue *. Inſtead of being alarmed by ſuch a declaration, the two houſes appeared to vie with each other in their alacrity and readineſs to gratify the monarch.

But, though James had good reaſon to rely upon the uniform ſupport of parliament, he was not negligent of other precautions for promoting his deſigns. It is impoſſible to withhold our indignation when we diſcover that this king, like his brother, had ſo far degraded himſelf and the nation, as to become the abject penſioner of France, and to render the national forces ſubſervient to the ambition of the French monarch,

* Hume.

upon

upon receiving from him a regular ſubſidy, with a promiſe of aſſiſtance in ſubverting the Engliſh government. Soon after his acceſſion to the throne, we find him apologizing to Barillon, the French ambaſſador, for ſummoning a parliament. "You may, "perhaps, be ſurpriſed," ſays he, "but I "hope you will be of my opinion when I "have told you my reaſons. I have re- "ſolved to call a parliament immediately, "and to aſſemble it in the month of May. "I ſhall publiſh, at the ſame time, that I "am to maintain myſelf in the enjoyment "of the ſame revenues the king my brother "had. Without this proclamation for a "parliament, I ſhould hazard too much, "by taking poſſeſſion directly of the revenue "which was eſtabliſhed during the life-time "of my deceaſed brother. It is a deciſive "ſtroke for me to enter into poſſeſſion and "enjoyment; for, hereafter, it will be much "more eaſy for me, either to put off the "aſſembling of parliament, or to maintain "myſelf by other means which may appear "more convenient for me *." Upon re-

Dalrymple's Appendix.

ceiving

ceiving from Lewis XIV. the ſum of 500,000 livres, this magnanimous prince ſaid to Barillon, with tears in his eyes: "It "is the part of the king your maſter alone, "to act in a manner ſo noble, and ſo full of "goodneſs to me *." From the ſubſequent diſpatches of this ambaſſador, it is clearly proved, that James was determined to render himſelf independent of parliament, and was totally engroſſed by thoſe two objects, the eſtabliſhment of the popiſh religion, and that of his own abſolute power. With theſe views, he thought it neceſſary to court the protection of Lewis, from whom he was conſtantly begging money with unwearied and ſhameleſs importunity †. Barillon, in writing to his maſter, mentions the expreſſions uſed by James in a converſation upon that ſubject: "That he had been brought "up in France, and had eat your majeſty's "bread; and that his heart was French ‡."

In purſuance of the plan which he had laid, his immediate deſign was, according

* Dalrymple's Appendix.

† Dalrymple's Appendix, p. 147, &c.

‡ Ibid.

to the ſame teſtimony, to make the parliament revoke the *teſt act* and the *habeas corpus act*; "one of which," as he told Barillon, "was the deſtruction of the catholic religion, and the other of the royal authority *."

The precipitate and ill-conducted attempts of the Duke of Monmouth in England, and of the Earl of Argyle in Scotland, which met with little encouragement, and were eaſily cruſhed by the king's forces, contributed to render this infatuated monarch more ſanguine with reſpect to the ſucceſs of his projects, and, by inſpiring him with greater confidence, prompted him to act with leſs moderation and caution. The ſhocking cruelty exhibited on that occaſion by the military, and the groſs injuſtice committed, under the form of law, by the civil courts, which could not have happened without the approbation and countenance of the king, convey a ſtill more unfavourable idea of his diſpoſition as a man, than of his abilities as a politician. Biſhop Burnet

* Dalrymple's Appendix.

affirms,

affirms, that regular accounts of thoſe judicial proceedings were tranſmitted to James, who was accuſtomed to repeat the ſeveral particulars with marks of triumph and ſatisfaction. It is certain, that this king mentions, in a letter to the Prince of Orange, the hundreds who had been condemned in what he jocularly diſtinguiſhes by the appellation of *Jeffery's campaign*; and that, for his ſervices, this infamous tool was rewarded with a peerage, and with the office of lord high chancellor *.

Both Charles and James had been taught by the example of their father and by their own experience, that without an army it was in vain to think of ſubjecting the Engliſh nation to an abſolute government. The king, therefore, after the late inſurrections had been ſuppreſſed, informed the parliament, that he meant to keep up all the forces which the ſtate of the country had obliged him to levy; and he demanded an additional ſupply for that purpoſe. Not ſatisfied with as large an army in England, in Scotland,

* See Dalrymple's Appendix.

and in Ireland, as his own revenue was capable of ſupporting; he entered into a treaty with the French king, who took into his pay three Engliſh regiments, and, beſides, agreed to furniſh James with whatever troops might be neceſſary in the proſecution of his deſigns*.

But the grand and favourite object of James, which contributed more than any other to alarm the people, was the diſpenſing power which he aſſumed in favour of popery. So far from concealing his intention in this particular, he thought proper, near the beginning of his reign, to make an open avowal of it in parliament; which produced an addreſs from the houſe of commons, and a motion to the ſame effect in that of the peers. Theſe meaſures, being regarded by the king as inconſiſtent with his dignity, were followed by ſeveral prorogations of that aſſembly, and at length by a diſſolution.

In examining the earlier part of our hiſtory, I had formerly occaſion to conſider

* Dalrymple.

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the origin of the *diſpenſing power*; which aroſe from the intereſt of the ſovereign, as chief magiſtrate, in the condemnation and puniſhment of crimes. As the king was the public proſecutor, againſt whom all tranſgreſſions of the law were underſtood to be chiefly directed, and who, beſides, drew the pecuniary emolument from all fines and forfeitures, which were anciently the moſt common ſpecies of puniſhments, he came by degrees to exerciſe, not only the privilege of pardoning the offences which were actually committed, but even that of previouſly excuſing individuals from ſuch penalties as might be incurred by a future miſdemeanor. It is commonly ſaid, that this power was borrowed by our kings from the practice of the Roman Pontiff, who claimed the right of granting indulgences for every ſort of religious tranſgreſſion; but in reality, a privilege of this nature ſeems to have reſulted from the ſituation of the chief civil, as well as of the chief eccleſiaſtical magiſtrate; though, in Europe, it was for obvious reaſons carried to a greater extent by the latter than by the former. In England,

England, however, the king having upon the reformation, ſucceeded to the ſupremacy of the biſhop of Rome, he, of courſe, united in his own perſon theſe different ſources of power.

As the diſpenſing power of the crown was originally exerted in extraordinary caſes only, it probably was of advantage to the community, by providing relief to ſuch perſons as were in danger of ſuffering oppreſſion from a rigid obſervance of the common rules of law. But the occaſions for ſoliciting this relief were gradually multiplied; people who found it their intereſt, as in evading the reſtrictions upon ſome branches of trade, were led to purchaſe diſpenſations from the crown; and the exerciſe of this extraordinary privilege degenerated more and more into abuſe. It can hardly be doubted, that ſuch diſpenſations as were granted for money would be confined to individuals, and not extended to claſſes or general deſcriptions of people; for the crown, we may ſuppoſe, receiving a profit from this branch of the prerogative, would ſeldom beſtow an indulgence upon any but

thoſe

thoſe who had paid for it. But even in this limited ſhape, the *diſpenſing power*, which might lead to a ſhameful traffick upon the part of adminiſtration, and interrupt the due execution of the moſt ſalutary laws, was regarded as incompatible with the principles of the Engliſh conſtitution, and was reprobated in direct terms by the legiſlature. In the reign of Richard II. there was paſſed an act of parliament permitting the king, in particular caſes, and for a limited time, to diſpenſe with the *ſtatute of proviſors*, but declaring ſuch diſpenſations, in all other caſes, to be illegal and unwarrantable. It muſt be acknowledged, however, that even after this act the diſpenſing power was not abandoned; and that lawyers, under the influence of the crown, were ſufficiently ready in their judicial capacity, to ſupport all ſuch exertions of the prerogative.

The differences between the two great religious parties which took place at the reformation, afforded a new inducement for this extraordinary interpoſition of the crown, and in a different form from what

had hitherto been thought of. In particular, the princes of the houſe of Stewart, from their favour to the Roman catholicks, were diſpoſed to free them from the penalties to which, by various ſtatutes, they had been ſubjected; and to do this effectually, it was neceſſary that the diſpenſation ſhould be granted not to ſingle individuals; but, at one and the ſame time, to all perſons of that perſuaſion; that is, to all thoſe who fell under the penalties impoſed by the ſtatutes in queſtion. When the diſpenſing power of the crown was exhibited in this new and more extended form, it muſt have been univerſally regarded as a repeal of the acts of parliament, and as a direct aſſumption of legiſlative authority.

In the petition of right, the diſpenſing power is expreſsly enumerated among thoſe remarkable grievances, of which redreſs was claimed from Charles I. and which, on that occaſion, were declared to be violations of the Engliſh conſtitution. As the petition of right had paſſed into a law before the commencement of the civil war, and had never been

been repealed, it continued in force during the reigns of Charles II. and of his brother.

In theſe circumſtances, we cannot wonder that the revival of the diſpenſing power by James, a bigotted papiſt, with the avowed purpoſe of admitting the Roman catholics to all offices, both civil and military, ſhould be regarded as an unequivocal declaration of his firm reſolution to ſubvert the religion and liberties of the nation.

As in the late reign, the excluſion bill was defeated by exciting the jealouſy of the church againſt the puritans, an attempt was now made to unite the Roman catholics in one common cauſe with the proteſtant non-conformiſts, by granting to both of them the ſame relief from the hardſhips under which they laboured. The artifice had in the beginning, ſome degree of ſucceſs; but was in a ſhort time detected by the diſſenters, who had too much penetration and foreſight, to ſacrifice their ultimate ſafety to a mere temporary advantage.

To reconcile the nation to the doctrine of the *diſpenſing power*, a judicial determination was thought neceſſary, but could not be

be procured without diſplacing ſeveral of the judges, and appointing others over whom the king had more influence. This produced a mock-trial, the iſſue of which might eaſily be foreſeen; but ſo far from removing objections, it gave riſe to new apprehenſion and diſguſt, by ſhewing, in ſtrong colours, the inclination, as well as the ability of the crown, to poiſon the fountains of juſtice.

For this exertion of the prerogative, James alledged the moſt plauſible motive that of ſecuring liberty of conſcience, and preventing any perſon from ſuffering hardſhips on account of his religious principles. This was the reaſon which he gave to the prince of Orange; at the very time, that, with unparrelled effrontery, he was diſpatching an ambaſſador to Lewis XIV, expreſſing his approbation of the barbarity inflicted on the proteſtants by the revocation of the edict of Nantes. By this diſſimulation of James, no perſon could be deceived; for that he was the real author of all the perſecution committed againſt the preſbyterians in Scotland was univerſally known.

But

But that none might miſtake his meaning, he took care that it ſhould be illuſtrated by his immediate conduct. The ſingle purpoſe for which he diſpenſed with the *teſt*, and with the penal laws againſt non-conformiſts and recuſants, was evidently the introduction of Roman catholics into all offices of truſt. To accompliſh this end he was indefatigable, and had, in a ſhort time, made far greater advances than could have been expected. Thoſe who had no religion of their own were eaſily perſuaded to embrace that of his majeſty; while many, whoſe conſciences did not permit them to take an active ſhare in the preſent meaſures were unwilling, by their oppoſition, to incur his reſentment, and endeavoured by keeping themſelves out of public view, to avoid the impending ſtorm.

In Ireland, the proteſtants were diſarmed; the army was new modelled; and a multitude, both of private ſoldiers and officers of that perſuaſion were diſmiſſed. The public adminiſtration, as well as the diſtribution of juſtice, was placed in the hands of Roman catholics. A plan was formed of revoking

revoking what was called the *act of ſettlement*, by which, at the reſtoration of the late king, the proteſtants, in that country, had been ſecured in the poſſeſſion of certain eſtates; and as for this purpoſe it was neceſſary to ſummon the Iriſh parliament, ſimilar expedients to thoſe which had formerly taken place in England, for ſecuring elections in favour of the crown, were upon this occaſion adopted. The charters of Dublin, and of other boroughs were annulled; and thoſe communities, by a new ſet of regulations, were brought entirely under the management of Roman catholics *.

The government of Scotland was committed to men of the ſame principles. In England, the king was not contented with puſhing the catholics into offices in the army, and in the civil department; he had even formed the reſolution of introducing them into the church and the univerſities. The violence with which he endeavoured to force a popiſh preſident upon the fellows of Magdalen college, Oxford, the public conſe-

* Hume. Rapin.

cration

cration of four biſhops in the King's chapel, with authority to exerciſe epiſcopal functions in different diſtricts; the royal permiſſion which was given them to print and circulate their paſtoral letters to the Roman catholics of England; the ſending an ambaſſador to Rome, to acknowledge the authority of the Pope, and to make preparations for reconciling the kingdom to the holy ſee; theſe events which followed one another in rapid ſucceſſion, plainly demonſtrated that James was not ſatisfied with giving liberty of conſcience to the profeſſors of the Romiſh religion, but that he meant to inveſt them with a legal juriſdiction. The church of England, who from oppoſition to the ſectaries, had ſupported the crown in the late uſurpations of prerogative, was now rouſed by the dangers which threatened her eſtabliſhment; and thoſe pulpits which formerly reſounded with the doctrines of paſſive obedience, were employed in exciting the people to the defence of their religious and civil rights *.

* See Dalrymple. Appendix.

Among

Among thoſe who utter inflammatory diſcourſes againſt the meaſures of the court, Dr. Sharpe, a clergyman of London, diſtinguiſhed himſelf by the ſeverity of his reflections upon the late proſelytes to popery. The king enraged at this boldneſs, gave orders to the biſhop of London, that Sharpe ſhould be immediately ſuſpended from his clerical functions; but that prelate, who ſeems to have entertained higher notions of liberty than moſt of his brethren, excuſed him from proceeding in that ſummary manner, which he alledged was inconſiſtent with the forms of church diſcipline. James was determined, not only to prevent Sharpe from eſcaping, but even to puniſh this diſobedience of the biſhop. With this view, and for procuring an abſolute authority over the conduct of churchmen, he ventured to revive the court of high-commiſſion, which, in the reign of Charles I. had been aboliſhed by the legiſlature, with an expreſs prohibition that this or any ſimilar tribunal, ſhould ever be erected. Upon this new eccleſiaſtical commiſſion, the king, in open defiance of the ſtatute, beſtowed the ſame in-

inquiſtorial powers which that court had formerly poſſeſſed; and here he found no difficulty in ſuſpending both the delinquents *.

Armed with the powers of this tyrannical juriſdiction, James was determined, not only to overturn the church of England, but to render her the inſtrument of her own deſtruction. He now iſſued a new *proclamation*, ſuſpending all the penal laws againſt nonconformiſts, accompanied with orders that it ſhould be read by the clergy in all their churches. The primate, and ſix of the biſhops, who, God knows, were not guilty of carrying their principles of reſiſtance to any extravagant pitch, ventured, in the moſt humble and private manner, to petition the king, that he would excuſe them from reading this proclamation. This was followed by a reſolution of the king, which nothing but an infatuation, without example, could have dictated, to proſecute thoſe prelates for a *ſeditious libel*. Had this meaſure been ſucceſsful, the fate of Engliſh liberty would

* Hume. Rapin.

have

have been decided. It was vain to ſeek relief from oppreſſion, if even to complain of hardſhips, and to petition for redreſs, though in terms the moſt reſpectful and ſubmiſſive was to be regarded as an atrocious crime. This trial, the deep concern about the iſſue of which appeared among all ranks, the final acquittal of the priſoners in oppoſition to the utmoſt exertions of the crown, and the violent demonſtrations of joy and triumph which followed that event, afforded a deciſive proof of the national ſpirit, and ſerved as a watch-word to communicate that indignation and terror which filled the breaſts of the people*.

The ſituation and character of the prince of Orange made the nation look up to him as the perſon whom heaven had pointed out for their deliverer. Applications accordingly were made to him from every deſcription of proteſtants, containing a warm and preſſing ſolicitation, to aſſiſt with an armed force, in the re-eſtabliſhment of our religion and liberties; an enterpriſe which was doubtleſs flattering

* Dalrymple. State Trials.

to

to his ambition; while it coincided with thoſe patriotic views which he had uniformly diſcovered, and which had produced the nobleſt exertions in behalf of the independence of his own country, and of all Europe.

When James had received information concerning the invaſion intended by that prince, he was thrown into the utmoſt conſternation; and endeavoured to avert the reſentment of his ſubjects by pretending to relinquiſh the moſt unpopular of his meaſures. But the accident of a ſtorm which diſperſed the prince's fleet, and was believed to have defeated the whole undertaking, deſtroyed at once this temporiſing ſyſtem of conceſſion, and expoſed the inſincerity of his repentance*. A variety of circumſtances now co-operated in producing a revolution of greater importance, and with leſs hurt or inconvenience to the nation, than perhaps any other that occurs in the hiſtory of the world. It is obſervable, that the ſtanding army, overlooking the ordinary punctilios and objects of their profeſſion, deſerted the

* Hume. Rapin.

ſovereign when he became the declared enemy of the conſtitution. The puſillanimity of James, in forſaking his friends, and in quitting the kingdom, gave riſe to an eaſy ſettlement where much difficulty was apprehended. He had the weakneſs to imagine that his throwing the great ſeal into the river would create ſome embarraſſment to the new adminiſtration.

As the character of this prince procured no eſteem, his misfortunes appear to have excited little compaſſion. He poſſeſſed no amiable or reſpectable qualities to compenſate or alleviate his great public vices. His ambition was not connected with magnanimity; his obſtinacy and zeal were not ſupported by ſteadineſs and reſolution; though, as it frequently happens, they appear to have been deeply tinctured with cruelty. The gravity of his deportment, and his high profeſſions of religion, were diſgraced by narrow prejudices, and by a courſe of diſſimulation and falſehood. His fate was not more ſevere than he deſerved; for, certainly, the ſovereign of a limited monarchy cannot complain of injuſtice, when he is expelled from that kingdom

kingdom whoſe government he has attempted to ſubvert, and deprived of that power which he has gróſsly and manifeſtly abuſed. Impartial juſtice, perhaps, would determine that he was far from ſuffering according to his demerits; that he was guilty of crimes, which, in the nature and conſequences, infer the higheſt enormity; and that, inſtead of forfeiting his crown, he well deſerved the higheſt puniſhment which the law can inflict.

There have lately been publiſhed ſeveral extracts from the life of this prince, written by himſelf, from which it is ſuppoſed that the miſtakes of former hiſtorians may be corrected and much light thrown upon the hiſtory of that period. What has already been publiſhed is a meagre detail, deſtitute of ſuch particulars as might enable the reader to form a judgment concerning the credibility of the narration. From the character, beſides, and circumſtances of the writer, it ſhould ſeem, that even if the whole work was laid before the public, it would be intitled to little authority. The writers of memoirs concerning their own conduct are, in all

caſes, to be peruſed with caution, and allowances for ſuch embelliſhment, and ſuch perverſion of facts, as may proceed from motives of private intereſt or vanity. But of all men, James, who appears to have written his life with a view to publication, or at leaſt of its being produced in his own vindication, was under great temptation to exaggerate or extenuate thoſe particulars which might affect the reputation, either of himſelf and his friends, or of his numerous enemies. How is it poſſible to truſt the private anecdotes of a writer, who, in a letter to the prince of Orange, could deny that he had any acceſſion to a treaty with France, after he had been for ſome months eagerly engaged in promoting it; or who gravely profeſſed to the ſame perſon his principles of univerſal toleration, while he was congratulating Lewis XIV. on the moſt intolerant act of his reign, and expreſſing his great ſatisfaction with the violent meaſure of that monarch for the extirpation of hereſy? * As James muſt have been ſenſible that he

* See his Letters. Dalrymple's Appendix.

was

was hated by a great part of the nation, and that his views and conduct were ſeverely cenſured, the relation which he gives of his tranſactions muſt be conſidered as, in ſome meaſure, the repreſentation of a culprit placed at the bar of the public; and which, though affording good evidence againſt himſelf, yet when adduced in his own favour, is worthy of belief only according to its internal probability, and to the degree of confirmation which it may receive from collateral evidence.

CHAPTER

CHAPTER VII.

Of the Revolution-Settlement; and the Reign of William and Mary.

OF all the great revolutions recorded in the hiſtory of ancient or of modern times, that which happened in England, in the year 1688, appears to have been productive of the leaſt diſorder, and to have been conducted in a manner the moſt rational, and conſiſtent with the leading principles of civil ſociety. When a ſovereign has violated the fundamental laws of the conſtitution, and ſhewn a deliberate purpoſe of perſevering in acts of tyranny and oppreſſion, there cannot be a doubt but that the people are entitled to reſiſt his encroachments, and to adopt ſuch precautions as are found requiſite for the preſervation of their liberty. To deny this, would be to maintain that government is intended for the benefit of thoſe who govern, not of the whole community; and, that the general happineſs of the

the human race, ought to be ſacrificed to the private intereſt, or caprice, of a few individuals. It cannot, however, be ſuppoſed, that ſuch reſiſtance will ever be effected without ſome diſturbance, and without a deviation from thoſe forms and rules which are obſerved in the ordinary courſe of adminiſtration. When the machine is out of order, it muſt be taken to pieces; and in the repairing and cleaning of the wheels and ſprings, there muſt be ſome interruption and derangement of its movements. When a general reformation of government has become indiſpenſible, it muſt be conducted according to the exigency of times and circumſtances; and few ſituations will occur, in which it is practicable without many temporary inconveniencies, or even without violence and bloodſhed. It is the part of prudence and of juſtice, in thoſe caſes, to adopt ſuch meaſures as are likely to produce the end in view with the leaſt poſſible hardſhip; ſo that, although violent and irregular, they may be juſtified by the great law of neceſſity.

In

In conſequence of a very general and preſſing invitation from the Engliſh nobility and gentry, the prince of Orange, about the end of the year 1688, landed, with an armed force, in England; and immediately publiſhed a declaration, that the ſole purpoſe of his undertaking, was to obtain the diſmiſſion of Roman catholics from thoſe offices of truſt which they held contrary to law, and the calling of a free parliament for the redreſs of grievances. Though the nation was in ſome meaſure appriſed of this event, yet, intimidated by the unuſual ſituation, they remained, for a ſhort time, irreſolute and in ſuſpenſe; but ſoon after, an univerſal approbation of the enterpriſe was manifeſt from the conduct of the people in all quarters, who reſorted to the prince, and formed an aſſociation to ſupport his meaſures. The king found himſelf deſerted by thoſe upon whoſe fidelity he had moſt reaſon to rely; even by his own family, the prince and princeſs of Denmark, and by a great part of that army which he had provided to enforce his authority.

In

In this alarming conjuncture, it might have been expected that James, to extricate himſelf from the difficulties in which he was involved, would have embraced one or other of two different plans. By encountering the preſent danger with firmneſs and reſolution, by collecting the forces that were ſtill faithful to him, and by endeavouring to ſcatter diſſention among his enemies, who, notwithſtanding their union in demanding a free parliament, were far from coinciding in their political opinions, he might perhaps have been ſucceſsful, in defending his crown, at leaſt, in protracting the war, till he might obtain aſſiſtance from France. By conciliatory meaſures, on the other hand, by giving way to the complaints of the people, by aſſembling a new parliament, and ſubmitting to certain reſtraints upon the prerogative, he might have endeavoured to lull the nation in ſecurity, truſting to ſome future opportunity of retracting or evading thoſe conceſſions. If either of theſe plans, however liable to cenſure, had been purſued, it is likely that the conſequences to the public would have been fatal. But, happily, James was thrown

thrown into ſuch conſternation as to be incapable of perſiſting in any ſettled reſolution. Yielding to the impreſſions of fear and deſpondency, he quitted entirely the field of action, and withdrew, for the preſent, into a foreign country. By this imprudent ſtep, the remains of his party became quite diſheartened, and were no longer in a condition to oppoſe the new ſettlement.

The prince of Orange, having thus no enemy to cope with, proceeded to execute the taſk he had undertaken, by referring to the people themſelves, the redreſs of their own grievances, and by employing the power which he poſſeſſed, for no other purpoſe than that of ſecuring to them the privilege of ſettling their own government. As, in the abſence of the King, the ordinary powers of the conſtitution could not be exerted, the moſt rational and proper expedients were adopted to ſupply the deficiency. The prince invited all thoſe who had been members of any of the three laſt parliaments, to hold a meeting for the purpoſe of giving their advice in the preſent conjuncture. By their direction, he called a convention, compoſed

compoſed of the uſual members of the houſe of peers, and of the repreſentatives of the counties and boroughs, elected in the ſame manner as in a regular parliament. This meeting aſſembling at a time when the whole nation was in a ferment, and when the people, having arms in their hands, were capable of making an effectual oppoſition, its determinations, which paſſed, not only without cenſure, but with ſtrong marks of public approbation and ſatisfaction, muſt be conſidered as the voice of the community at large, delivered with as much formality, and in a manner as unexceptionable as the nature of things would permit. In this convention the main articles of the revolution-ſettlement were adjuſted; though to remove, as far as poſſible, every appearance of objection, they were afterwards confirmed by the ſanction of a regular parliament.

That the King, who had ſhewn ſuch a determined reſolution to overturn the religion and government of the kingdom, and that his ſon, then an infant, who, it was foreſeen, would be educated in the ſame principles, and until he ſhould arrive at the age of manhood

hood, would be under the direction of his father, and of his father's counſellors; that thoſe two perſons, whatever might be the reverence paid to their title, ſhould be excluded from the throne, was, in the preſent ſtate of the nation, rendered indiſpenſibly neceſſary. In the convention, however, this point was not ſettled without much heſitation and controverſy. The two great parties who, ſince the reign of Charles the Firſt, in a great meaſure divided the kingdom, had ſhewn themſelves almoſt equally diſpoſed to reſiſt the arbitrary meaſures of James for introducing the popiſh religion. But though a great part of the tories had, from the terror of popery, joined in the application to the prince of Orange, that he would aſſiſt them with a foreign army, to procure the redreſs of grievances; no ſooner were they delivered from their immediate apprehenſions, than they ſeemed to repent of their boldneſs, relapſed into their old political principles, and reſumed their former doctrines of paſſive obedience. They at leaſt carried thoſe doctrines ſo far as to maintain, that the people had no right, upon any abuſe

abuſe of the regal power, or upon any pretence whatever, to puniſh the ſovereign, or deprive him of the ſovereignty; and that even ſuppoſing the King to have reſigned or abandoned his royal dignity, the throne could not upon that account, be rendered vacant, but muſt immediately be filled by the prince of Wales, to whom, upon the death of his father, the crown muſt be inſtantly transferred. According to this view, it was contended, that, in the preſent emergency, the adminiſtration ſhould be committed to a regency; either in the name of James, if he was to be conſidered merely as abſent; or in the name of his ſon, if the father had actually abandoned the ſovereignty.

The whigs, though they entertained more liberal notions of government, were unwilling to fall out with their preſent confederates, and endeavoured by a temporiſing ſyſtem, to avoid unneceſſary diſputes upon abſtract political queſtions, and to render the new-ſettlement, as much as poſſible, unanimous and permanent.

It is a matter of curioſity to obſerve the public debates on this important occaſion; in

in which the natural ſpirit and feelings of men, made up for the narrowneſs of their philoſophical principles; and in which a feigned and ridiculous pretence was employed to juſtify a meaſure which they did not ſcruple to execute. They ſuppoſed that, by leaving the kingdom, James had abdicated the government; inſtead of boldly aſſerting that, by his groſs miſbehaviour, he had forfeited his right to the crown. That James made his eſcape rather than comply with the deſires of his people, or aſſemble a parliament to deliberate upon the redreſs of grievances, was the real ſtate of the fact.—But that he meant by this to yield up, or relinquiſh his authority, there certainly was no ground to imagine. His flight was the effect of his obſtinacy and his fear; and was calculated to procure the protection of a foreign power, by whoſe aid he entertained the proſpect of being ſoon re-inſtated in his dominion. We cannot help pitying the moſt enlightened friends of liberty, when we ſee them reduced, on that occaſion, to the neceſſity of ſoftening the retreat of James, and his attempt to overturn the government, by

regarding

regarding them as a virtual renunciation of his truſt, or voluntary *abdication* of his crown; inſtead of holding them up in their true colours, of crimes deſerving the higheſt puniſhment, and for which the welfare of ſociety required, that he ſhould at leaſt be deprived of his office.

In Scotland, where a majority of the people were preſbyterians, and felt an utter abhorrence, not only of popery, but of that epiſcopal hierarchy to which they had been forcibly ſubjected, and where the reformation, as I formerly took notice, had diffuſed among all ranks, a more literary and inquiring ſpirit than was known in England; the convention, which was likewiſe called by the prince of Orange for the ſame purpoſe as in the latter country, diſcovered, or at leaſt uttered, without any ſubterfuge, more manly and liberal ſentiments. "The eſtates of the "kingdom found and declared, that James "VII. had invaded the fundamental laws of "this kingdom, and altered it from a legal "and limited monarchy, to an arbitrary "deſpotic power; and had governed the "ſame to the ſubverſion of the proteſtant "religion.

" religion, and violation of the laws and " liberties of the nation, inverting all the ends " of government; whereby he had *forfeited* " the crown, and the throne was become " *vacant.**"

But though the language employed by the leaders in the Engliſh convention, was accommodated to the narrow prejudices of the times, their meaſures were dictated by ſound and liberal policy. Setting aſide the king, and the prince of Wales, in conſequence of the declaration already made, the right of ſucceſſion to the crown devolved upon the princeſs of Orange, the king's eldeſt daughter, who had been educated in the proteſtant religion, and was thought to be under no diſqualification from holding the reigns of government. There was no intention of converting the conſtitution into an elective monarchy, or of deviating further from the lineal courſe of inheritance than the preſent

* See continuation of Rapin, by Tindal, vol. 16. This declaration was made with only twelve diſſentient voices; a great number of the party in oppoſition having previouſly retired from the meeting.

exigence

exigence required. The ſame circumſtances, however, which demanded the advancement of the princeſs of Orange to the throne, made it alſo neceſſary that the regal authority ſhould be communicated to her huſband. It would have been abſurd to baniſh an arbitrary and deſpotical prince, to break the line of deſcent, by which the crown was commonly tranſmitted, and for promoting the great ends of ſociety, to run the hazards always attendant on the correcting former abuſes, without making, at the ſame time, a ſuitable proviſion for maintaining the new ſettlement. But the ſtate of Britain, and of Europe, rendered this a difficult matter. From the efforts of the popiſh party at home, from the power of Lewis XIV. and the machinations of the whole Roman catholic intereſt abroad; not to mention the prepoſſeſſions of the populace in favour of that hereditary ſucceſſion to the crown which old uſage had rendered venerable, there was every reaſon to fear a ſecond *reſtoration*, with conſequences more fatal than thoſe which had attended the former. Againſt thoſe impending calamities, nothing leſs than the

abilities, and the authority of the prince of Orange, the head of the proteſtant intereſt in Europe, could be deemed a ſufficient guard; and it was happy for the liberties of mankind, that the matrimonial connection of Mary with a perſon ſo eminent, and ſo circumſtanced, had, by ſuggeſting his participation of her throne, provided a barrier ſo natural, and ſo effectual.

From theſe conſiderations, the prince and princeſs of Orange were declared, by the convention, to be king and queen of England; but the adminiſtration of the government, was committed ſolely to the prince.* After determining this great point, the convention, in imitation of the mode of procedure at the reſtoration, was, by a bill paſſing through the two houſes, and obtaining the royal aſſent, converted into a parliament; and that aſſembly proceeded immediately to a redreſs of grievances.

* Tindal. By a ſubſequent act in 1690, the crown, failing the king and queen, and their iſſue, and failing the iſſue of Ann, and of the king, was ſettled upon the family of Hanover.—BURNE.

Conſidering

Conſidering the diſputes which, from the acceſſion of the houſe of Stewart, had been the ſource of continual diſturbance, and the extravagant claims which had been repeatedly advanced by the princes of that family, it was highly proper to lay hold of the preſent occaſion, for aſcertaining the boundaries of the prerogative, and for preventing, as much as poſſible, all future controverſy upon the ſubject. The omiſſion of this neceſſary and obvious precaution, at the reſtoration of Charles II. was an unpardonable neglect. The parliament, therefore, after the example of the *petition of right*, which had been intended for a ſimilar purpoſe in the reign of Charles I. now prepared the famous *bill of rights*; which, in the year 1689, was paſſed into a law; and by which the conſtitution, in ſeveral important articles, where it had lately been invaded, was expreſsly declared and eſtabliſhed.

Of the violations of the conſtitution, which had been the ſubject of complaint, the moſt flagrant, perhaps, was the power aſſumed by the crown of diſpenſing with ſtatutes, and of iſſuing proclamations in place of laws.

Other encroachments might contribute to impair or disfigure our government; this was calculated to deſtroy the whole ſtructure, by completely undermining its foundations. Had ſuch a power been admitted, the king would in reality have become a legiſlator; the authority of parliament would have been annihilated; and the government changed into an abſolute monarchy. Though all ſuch exertions of the prerogative had been expreſsly reprobated and condemned in the *petition of right*, they had not been abandoned by the two ſucceeding monarchs; but were more eſpecially renewed, and proſecuted with great vehemence by James II. In the *bill of rights*, therefore, it was thought neceſſary, once more, to mark this procedure with the expreſs condemnation of the legiſlature; and to declare, "that the pretended "power of ſuſpending laws, or the execu-"tion of laws, by regal authority, without "conſent of parliament, is illegal."

A ſimilar declaration was made with reſpect to another grievance; that of levying money by virtue of the prerogative, and without the authority of parliament. That the

the national council had the ſole right of impoſing taxes, was an undoubted principle of the conſtitution, and reaching as far back as the records of parliament. But as the crown, when preſſed for money, had invented a variety of ſhifts for procuring ſupplies in a clandeſtine and irregular manner, the legiſlature again interpoſed its authority to prohibit, in all caſes, thoſe evaſive and unwarrantable practices. No part of the conſtitution had oftener than this attracted the eye of the public, or, by repeated deciſions, been rendered more clear and indiſputable. No branch of parliamentary authority, we may alſo obſerve, tends more effectually to ſecure the liberties of the nation, by rendering the king dependent upon the liberality of parliament, and laying him under the neceſſity of calling frequent meetings of the national repreſentatives.

But little advantage could be expected from the meetings of that aſſembly, unleſs its members, when called to deliberate on the buſineſs of the nation, poſſeſſed an unbounded freedom of expreſſing their ſentiments. Parliaments, originally, were compoſed of a few great barons, who maintained this free-

dom

dom by their own opulence and power. Thoſe diſtinguiſhed perſonages were often in a condition, ſingly, to defy their ſovereign in the field, and would have laughed at his pretenſions to hinder them from ſpeaking their minds in council. But when the ſplitting of large eſtates, and the introduction of repreſentatives from counties and boroughs, had extended the right of ſitting in parliament to many ſmall proprietors, their authority and weight came to depend more upon their collective, than their ſeparate power; and the greater weakneſs of individuals obliged them to unite more in a body for the defence of their parliamentary privileges. The increaſe of their members, as well as the greater extent of their buſineſs, introduced, at the ſame time, the practice of arguing and debating, at more length upon the different ſubjects before them; and rendered the eloquence, and the popular talents of particular members, an engine of greater importance in the determinations of every meeting. Their ſpeeches, calculated to make a ſtrong impreſſion upon their hearers, became frequently, as we may eaſily ſuppoſe, offenſive to the ſovereign, and provoked him,

him, in ſome caſes, to interrupt their proceedings, and even to harraſs with impriſonment, and criminal proſecution, thoſe individuals who, by their reſolute oppoſition, or intemperance of language, had incurred his reſentment.

Such meaſures were, no doubt, arbitrary and illegal. The Engliſh parliament, compoſed of the immediate vaſſals of the crown, formed originally the ſupreme court of juſtice in the kingdom; and its members could not, on account of any alledged irregularity in delivering their opinions, be proſecuted before an inferior judicatory. If they were guilty of any indecorum in their ſpeeches, or of any miſdemeanor in their ſenatorial capacity, they were liable to the correction and cenſure of their own tribunal, the members of which had been witneſſes of the offence, and were the beſt judges of its demerit. But the proſecution of the offender before any other court, or magiſtrate, was reverſing the order of judicial eſtabliſhments, by authoriſing a ſubordinate juriſdiction to review the conduct of a ſuperior, and rendering

rendering the lower officers of juſtice, in ſome degree, paramount to the higheſt.

As the members of the ancient parliament, in queſtions relating to their behaviour in their own court, were not amenable to any other juriſdiction; this privilege, which had been eſtabliſhed when that aſſembly conſiſted of one houſe only, was not aboliſhed or altered when it came to be divided into two houſes: For though the judicial power was, in general, appropriated to the peers; the caſe now under conſideration was excepted. The commons becoming ſharers in the rank and dignity of the national council, were led to aſſume the ſame authority with the peers, over the conduct of their own members, to judge of their miſbehaviour in the character of national repreſentatives, and to eſtabliſh the ſame exemption from every extraneous enquiry or challenge.

It is manifeſt, at the ſame time, that an unbounded freedom of debate is neceſſary for enabling the members of either houſe to perform their duty. If they have a right to determine any meaſure, they muſt, of courſe,

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be entitled to argue and reaſon upon it, to examine its nature and conſequences, and, by placing it in a variety of lights, to prepare and ripen their minds for a proper deciſion. Unleſs they are permitted to do this, it ſurely is impoſſible for them to exerciſe, with national benefit, thoſe important powers with which they are intruſted. The ſuper-eminent authority of parliament is intended to controul and limit the executive and judicial powers; to prevent thoſe abuſes which may be expected from the ambition of the crown, or from the rapacity and diſhoneſty of its miniſters. But how can we believe, that members of parliament will take effectual meaſures for this purpoſe, if they deliver their opinions under the terrors of the rod, and are ſenſible of being at the mercy of thoſe powerful delinquents whom they ought to cenſure and expoſe, or whoſe illegal proceedings it is their duty to condemn and to reſtrain?

Towards the latter part of the Tudor line, and after the acceſſion of the houſe of Stewart, when the circumſtances of the nation had inſtilled a new ſpirit into the commons, and diſpoſed them to animadvert with greater freedom

freedom and ſeverity upon the meaſures of the crown, the encroachments of the prerogative upon this parliamentary privilege, by impriſoning members of parliament, and ſubjecting them to heavy fines in the Star-chamber, were carried to ſuch a height as threatened to deſtroy the independence of that aſſembly. This, therefore, was a grievance which, in the *petition of right*, the legiſlature had endeavoured to redreſs; and the *bill of rights* contained a declaration, "that the "freedom of ſpeech, and debates, or pro-"ceedings in parliament, ought not to be "impeached, or queſtioned in any court or "place out of parliament."

Another great object which excited the attention of parliament, in this famous bill, was the power of the king to levy and maintain a mercenary army. In all the feudal governments the king had a right to ſummon at pleaſure his vaſſals into the field; where they were obliged, for a limited time, to ſerve him at their own expence. When the ſtated period of their ſervice, which was generally forty days, had elapſed, they were entitled to demand their diſmiſſion; though they

they ſometimes were induced to remain longer, upon the king promiſing to bear the charges of this additional attendance. But after mercenary troops had come to be ſubſtituted in place of the feudal militia, they were engaged for an indefinite time; and as fighting became their profeſſion, from which they drew a regular ſubſiſtence, they were commonly willing to continue it as long as they could find employment. The king, who, upon the immediate preſſure of a war, had been obliged to levy theſe troops, found it commonly expedient, even after the concluſion of a peace, to be prepared for any new enterpriſe, by retaining a part of them in his pay; and thus, in moſt of the countries upon the weſtern continent of Europe, ſtanding armies were introduced and increaſed. In Britain, however, from its inſular ſituation, there was little danger from any foreign invaſion, and as mercenary and ſtanding armies, being leſs requiſite for defence than in other countries, the king had leſs inducement to be at the expence of maintaining them. Neither James I. nor Charles I. before the commencement of hoſtilities

hoſtilities with his parliament, had any conſiderable body of mercenaries. At the concluſion of the civil war, indeed, the ruling party found itſelf at the head of a large and well-diſciplined army; and a great part of theſe troops were afterwards maintained by Cromwell for the ſupport of his government. The diſbanding of Cromwell's army was one of the firſt acts of the reign of Charles II.; though this monarch, when he avowed the purpoſe of governing without a parliament, had alſo recourſe to the expedient of providing a military force; which his immediate ſucceſſor endeavoured with all his might, to increaſe. But excluſive of thoſe two inſtances, the Engliſh were hitherto unacquainted with mercenary ſtanding armies, and were not accuſtomed to conſider a diſcretionary power of raiſing and maintaining a military force, in that ſhape, as a branch of the prerogative. The few inſtances, beſides, in which the ſovereign or chief magiſtrate, had exerciſed this power, were ſuch, as clearly to demonſtrate its pernicious tendency, and to point out the utility of ſubjecting in this particular, the authority of the crown,

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at leaſt in times of public tranquillity, to the controul of the legiſlature. With great propriety, therefore, and in perfect conformity to the ſpirit of the ancient conſtitution, it was declared in the bill of rights, "that the "raiſing or keeping a ſtanding army within "the kingdom in time of peace, unleſs it be "with conſent of parliament, is againſt "law."

By another regulation, the maintenance of a military force, whether in peace or war, was rendered entirely dependent upon the authority of parliament.

The ſucceſsful operations of an army require that all its members ſhould be under the command of a ſingle perſon, that they ſhould be compelled in the ſtricteſt manner to obey his orders, and that they ſhould be ſubjected one to another in regular ſubordination. For attaining theſe ends, it is found neceſſary, that all diſobedience in the troops, and every tranſgreſſion of military duty, ſhould be puniſhed with greater ſeverity and with more diſpatch, than would be expedient in delinquencies committed by the reſt of the inhabitants: As the king, the great

great feudal ſuperior, was the ſupreme general of the national forces, he was led, in that capacity, to introduce a military diſcipline, by inflicting ſuch extraordinary penalties; and as, upon calling out his vaſſals into the field, with their dependents and followers, he might, at pleaſure, convert all the free people of the kingdom into an army, a foundation was laid for the application of what was called, *martial law*, to all the inhabitants. In early times, this exertion of prerogative was probably little felt, and therefore overlooked; but when it had acquired ſuch magnitude as to become vexatious and oppreſſive, it excited the attention of the public, and was conſidered as a grievance. The genius of the Engliſh conſtitution demanded that any deviation from the common rules of puniſhment ſhould be ſubjected to the inſpection and controul of the legiſlature; and there could be no good reaſon, at any time, for extending this peculiar ſyſtem of penal law further than to the forces actually in the ſervice of government.

Another grievance, connected with the former, aroſe from the power of the crown

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in marching and diſtributing the armies over the country. As the inhabitants at large were bound to ſupply the troops, in paſſing from place to place, with lodgings and with various articles of entertainment; they were apt to be more or leſs burdened with this duty, according as by their compliance or oppoſition, they merited the favour or incurred the reſentment of the Sovereign. Thoſe who had refuſed him a loan or a benevolence, were frequently harraſſed by the quartering of ſoldiers upon them, until they found it expedient to acquieſce in the demand.

By the petition of right, both theſe grievances were completely redreſſed, the exerciſe of *martial law* by virtue of the prerogative, and the quartering of ſoldiers on the inhabitants without their conſent, having been totally prohibited. But as without ſome extraordinary powers of this kind, the order and diſcipline requiſite for conducting and regulating a military force can hardly ſubſiſt, the king, ever ſince the revolution, has, by ſpecial acts of parliament, been empowered to authoriſe *courts martial* for puniſhing mutiny and deſertion, and to diſtribute the troops

troops among the inn-keepers and victuallers of the kingdom. The powers, however, conferred upon the ſovereign by theſe acts, have always been regarded with a jealous eye, and have therefore been granted only from year to year.

To theſe articles were ſubjoined ſeveral others, of manifeſt utility, reſpecting the illegality of the court of eccleſiaſtical commiſſion; the right of the people to petition the king, and the free election of their repreſentatives; together with ſome other immunities and privileges, which were conſidered as the birth-right of Engliſhmen, but which, in the late reigns, had been either violated or diſputed. Upon the whole, the bill of rights contained no new limitations of the prerogative. It is merely a declaratory ſtatute, exhibiting the judgment of the legiſlature with regard to ſome of the principal branches of the Engliſh conſtitution; and it accordingly bears this expreſs clauſe, "that all and "ſingular, the rights and liberties aſſerted "and claimed in the declaration, are the "true, ancient, and indubitable rights and "liberties of the people of this kingdom."

After

After the revolution-ſettlement was compleated, the ſame ſpirit which had given riſe, to that great event was kept alive, and during the reign of William III. became productive of ſeveral regulations, tending to improve the police of the kingdom, to ſecure the proper diſtribution of juſtice, to guard againſt the corruption of miniſters, and to reſtrain the abuſes of prerogative.

In the bill of rights there was inſerted a general clauſe; "that, for the redreſs of grievances, and for the amending, ſtrengthening, and preſerving of the laws, parliaments ought to be held frequently." During the long controverſy between the people and the princes of the houſe of Stewart, the regular meetings of that aſſembly became the object of national concern; and in the reign of Charles I. it was provided, that the interval between one meeting of parliament and another, ſhould not exceed the period of three years; but no ſooner had the frequency of parliamentary aſſemblies been ſecured at the revolution, by the impoſſibility of conducting the machine of government without their concurrence, than there

there ſtarted up a new ground of ſuſpicion, which began to occupy the public attention. As parliaments were now, of neceſſity, conſulted by the crown in all buſineſs of importance, they became leſs afraid of its encroachments, and conſented more freely and readily to its demands. No longer engroſſed by the defence of their political rights, it was apprehended that their members would be more attentive to their private intereſt, would endeavour to render themſelves independent of their conſtituents, or might be improperly influenced by the executive power. Before the revolution, the nation was jealous of the crown only; after it, they became jealous of parliament. They became apprehenſive of the long continuance of the ſame parliament, by which its members might have leiſure to form a regular connection with miniſtry; and were eager to eſtabliſh the frequency of elections, by which the repreſentatives might be retained under the authority and controul of the electors. This gave riſe to the *triennial bill*; by which it was provided that the ſame parliament ſhould not be continued for more

that

than three years; a regulation to which, as it contained a new limitation of the prerogative, the king was, not without ſome heſitation and reluctance, prevailed upon to give the royal aſſent *.

Among the different ſubjects of parliamentary enquiry, the diſpoſal of the revenues which fell under the adminiſtration of the crown was none of the leaſt important. In early times, when the ordinary expence of government was defrayed out of the private eſtate of the king, the nation ſeems to have taken little concern in the adminiſtration of the royal demeſnes, but to have entruſted the management of them to the prudence and diſcretion of the perſon whom they regarded as the proprietor; but, when the advancement of national wealth had increaſed the expence of adminiſtration much beyond what the ancient patrimony of the crown was able to diſcharge; and when, of courſe, every new enterpriſe was unavoidably the occaſion of new impoſitions upon the people, it was conſidered more and more as the

* See Burnet.

duty of the national repreſentatives to examine the expenditure of public money, and to refuſe their conſent to taxes, unleſs they were ſatisfied, both of the frugality with which the former funds had been managed, and of the expediency and propriety of the purpoſes for which the new demand was made. This, however, it may eaſily be conceived, was likely to be the ſource of endleſs diſputes; it was difficult, in every caſe, to point out the exact line by which the ſcrutiny of parliament ſhould be directed, or to determine the degree of latitude which, in this reſpect, the ſovereign ought to enjoy. Though the examination of the public expenditure was highly neceſſary, it might undoubtedly be puſhed to ſuch a degree of minuteneſs as would retard the movements of government, and be equally inconſiſtent with the dignity of the crown than with that ſecrecy in the conduct of national buſineſs, which is often indiſpenſible. To remove theſe inconveniencies, it was thought proper, that there ſhould be an allowance of a certain ſum, for the ſupport of the king's houſehold, and for the private exigencies

of

of the crown; and that, concerning the diſpoſal of this, no account ſhould, at leaſt in ordinary caſes, be required. The remainder of the public revenue, being more immediately regarded as the eſtate of the nation, was brought under the annual and regular inſpection of parliament. This regulation was not a new limitation, but rather an extenſion of the prerogative; ſince it reſtricted to a part of the national funds, that parliamentary enquiry, which might formerly have been extended to the whole. It appeared, at the ſame time, to ſteer in a due medium between the intereſt of both parties, and was calculated to avoid contention, by placing in the crown a reaſonable pecuniary truſt, while it ſecured the nation from the effects of groſs miſmanagement and extravagance. About the end of the reign of James II. the whole public revenue amounted, at an average, to near two millions; and the *civil liſt*, ſettled upon William and Mary, including the hereditary rents and duties, ſtill drawn by the crown, was fixed at about 700,000l. a year.

With

With reſpect to the internal government of the kingdom, no circumſtance appeared more immediately to call for a reformation than the diſtribution of juſtice. In all the principal tribunals, the judges had been hitherto appointed by the king during pleaſure. In ſuch a ſituation, choſen from the mercenary profeſſion of the bar, where a ſervile dependence upon the crown muſt open the great road to preferment, and being indebted to the ſovereign for the continuance of thoſe offices from which they derived their livelihood and rank, it was not to be expected that they ſhould often be willing to diſtinguiſh themſelves by ſupporting the rights of the people, in oppoſition to the encroachments of prerogative. Wherever the king was warmly intereſted in a cauſe, or a political job was to be ſerved, they were laid under ſo great a temptation to ſhrink from their duty, that they had ſeldom the reſolution to withhold any deciſion which he wiſhed to procure. This obſervation may be extended from th days of Treſilian down to thoſe of Scroggs and Jeffries; and is applicable to the ordi-

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nary courts of law, as well as to the ſtar-chamber and high commiſſion, which were confeſſedly under the direction of the crown. Witneſs the opinion of the judges, in the caſe of ſhip-money, and in the queſtion concerning the king's diſpenſing power, in which thoſe grave interpreters of the law were not aſhamed to betray their truſt, and to become the mean tools of arbitrary power. In the trial of the biſhops, indeed, there were found two juſtices of the king's bench who ſpoke in favour of the defendants; for which they were immediately deprived of their ſeats; but this was a queſtion in which the baſis of religion, as well as that of the conſtitution, was now perceived to be at ſtake; and in which the popular ferment had excited uncommon zeal and ſpirit.

In the reign of William III. it was enacted, that the judges in the three great courts of common law, ſhould hold their offices during their own life and that of the king; a regulation by which they became nearly as independent as their profeſſional character and

and their appointment by the crown will admit.

A proviſion for liberty of conſcience in matters of religion was another object of great importance, which the king, much to his honour, endeavoured, however unſucceſsfully, to accompliſh.

The long conteſt between the church and the diſſenters, had been productive of narrow prejudices, and of mutual antipathy, inconſiſtent with that liberality and candour which might have been expected from the rational ſyſtem of religion profeſſed, at that time, by either of the parties. When rouſed by the common danger of popery, to which, immediately before the revolution, they were both equally expoſed, they had cordially united in defence of the proteſtant intereſt; but no ſooner had that danger been removed, than their former jealouſy recurred, and their mutual diſſentions broke out afreſh. The apprehenſion which the church entertained of the diſſenters, was encreaſed by the reflection, that the king had been educated in their principles, and regarded them as that part of the nation which

which had been the moſt active in placing him on the throne. But William had too much prudence, and too ſtrong a ſenſe of juſtice, to make any attempt againſt the national religion, which had received the ſanction of public authority, and was agreeable to the ſentiments of a great majority, both in parliament and throughout the nation. In conformity, however, to his enlarged views of religious freedom, he was diſpoſed to remove thoſe hardſhips to which the proteſtant ſectaries were ſubjected. His firſt object was the repeal of the teſt act, by which the non-conformiſts were excluded from civil and military offices. Upon the ſuppoſition that the diſſenters are equally good ſubjects as thoſe who profeſs the eſtabliſhed religion, it will be difficult to aſſign a plauſible reaſon for excluding them from the ſervice of their country, or from a ſhare of her public honours and emoluments. The national church has, doubtleſs, a title to protection from every attack, whether open or concealed, by which her eſtabliſhment may be endangered; but why ſhould it be feared that the eccleſiaſtical eſtabliſhment

ment is in danger from the attacks of diſſenters, while theſe laſt have no aſſiſtance from the magiſtrate, and are allowed to wield no other weapons but thoſe of argument and perſuaſion? In gaining proſelytes, every advantage is on the ſide of the church, whoſe doctrines and forms of worſhip are confirmed by ancient uſage, and whoſe clergy are maintained at the public expence. Thoſe who are indifferent about religion, or who look upon modes of faith as of little conſequence, will generally adhere to that ſyſtem which is already eſtabliſhed, and which coſts them nothing. The Roman catholics, however, were, at that time, conſidered, with reaſon, as in a different ſituation from proteſtant diſſenters, having adopted political prejudices which rendered them enemies to the civil government.

The puritans, it is true, had, in the reign of Charles I. overthrown the religious eſtabliſhment; but this was owing to the injudicious interference of the latter in ſupporting the arbitrary meaſures of the monarch; while the former zealouſly defended the rights of the people. The church having

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embarked in the ſame cauſe with deſpotiſm, ſhe was overwhelmed, and juſtly ſhared the ſame fate with her ally; whence aroſe the triumph and exultation of her religious with that of her political enemies.

But however groundleſs, at this time, the terrors of the high-church party undoubtedly were, they prevailed in parliament; and the meaſure of repealing the teſt act was rejected. William afterwards attempted a plan of comprehenſion; propoſing to form, with mutual conceſſions, a religious eſtabliſhment, which might include a conſiderable part at leaſt of the diſſenters; but in this he was not more ſucceſsful. The two parties were too heterogeneous to admit of ſuch a coalition; and, like ingredients of oppoſite qualities, diſcovered no leſs repugnance to a partial, than to a total union. Having failed in theſe liberal ſchemes, he ſuggeſted a bill of *toleration*, by which the proteſtant non-conformiſts, if not admitted to the ſame political privileges with their brethren of the church, might yet be exempted from all penalties, and authoriſed by law in the open profeſſion and exerciſe

exercise of their religion. Even this indulgence, which was obtained without opposition, marks, at that period, a considerable enlargement of religious opinions; and may be regarded as forming a conspicuous era in the history of ecclesiastical government.

Notwithstanding the invaluable blessings which this prince had procured to the nation, his administration was never very popular, nor free from disturbance. The two great political factions, which, before he mounted the throne, had almost entirely disappeared, were in a little time revived; and by their intrigues, and party views, he was, in some cases, provoked or deceived.

As the principles of the tories had led them early to retard and oppose the revolution-settlement, so their bad humour and disappointment excited them afterwards to practice every expedient for interrupting and preventing that success and prosperity which might otherwise have resulted from it. The situation of William, upon his first advancement to the English throne, must have naturally disposed him to place his chief confidence in the whigs, by whom his

his undertaking had been moſt warmly and heartily promoted. But the ſubſequent views and meaſures of this party contributed by degrees to alienate his affections. They betrayed a conſtant jealouſy of the crown. Their parſimony in granting ſupplies was puſhed to an extreme, altogether incompatible with thoſe patriotic, but expenſive enterpriſes, in which he was engaged. Their averſion to a ſtanding army, which was carried ſo far as to require the diſmiſſion of his Dutch guards, the old and favourite companions of all his military operations, appears to have been regarded by him as an indication of perſonal enmity and diſtruſt. Though this prince diſcovered an invariable attachment to the form of a limited monarchy, it muſt not thence be concluded, that he willingly ſubmitted to all ſuch reſtrictions of the prerogative, and to all ſuch extenſions of popular privilege, as were aimed at by many of the whigs. He probably entertained higher notions of the regal authority than were found, even in that age, to prevail among this deſcription of the inhabitants. It is not ſurpriſing, beſides,

beſides, that a monarch, however moderate in his general principles, ſhould, in the ordinary courſe of buſineſs, be ſometimes betrayed, like other men, into an impatience of oppoſition, that he ſhould be ruffled with contradiction, or vent his diſpleaſure againſt thoſe who had thwarted his meaſures. The whigs becoming, on this account, obnoxious to the king, the tories endeavoured to conciliate his favour by their apparent aſſiduity and ſolicitude to humour his inclinations. Though it is probable that the ſagacity of William penetrated the views of this party, he took advantage of their profeſſed intentions, and made uſe of their aſſiſtance in executing that great ſyſtem of European policy which he had long meditated. He adopted the hazardous plan of balancing the two parties, either by promoting them jointly to offices, or by alternately employing the one and the other. In purſuing this line of conduct, ſo far from gaining the friendſhip of either, he incurred the reſentment of both. The whigs, overrating their merit in accompliſhing the revolution, were highly diſſatisfied with the

return

return made to their ſervices; while the tories conſidered the favours beſtowed upon them as the effects of intereſted and temporiſing politics, which afforded no proof of any real confidence or affection; and both parties being thus, by turns, thrown into oppoſition, were actuated by the animoſity and rancour ariſing from diſappointed ambition, ſharpened by the acrimony and agitation, proceeding from the heat of controverſy and the triumph of their adverſaries. In this ſituation, many individuals of high rank and conſequence became deſirous of reſtoring the exiled family; and, even when employed in the ſervice of government, did not ſcruple to betray the ſecrets of their maſter; to correſpond with the court of Verſailles and that of St. Germains; and to promiſe their aſſiſtance to the late king for the recovery of his crown. What is more ſurpriſing, it appears, that ſome perſons of diſtinction among the whigs were induced to hold a correſpondence in the ſame quarter; but with what views, or from what motives, whether from groſs corruption, and the effect of diſcontent and

diſguſt,

diſguſt, or from an opinion of the inſtability of the preſent government, which led them to provide for their own ſafety in caſe of a counter-revolution, it is not eaſy to determine *.

While many of the leading men in the kingdom were engaged in ſuch crooked and infamous tranſactions, the inferior partizans of the late king were attempting a more expeditious way to his reſtoration, by the aſſaſſination of William; but theſe deteſtable

* The evidence upon this point, adduced by Mr. M'Pherſon, in his collection of original papers, is not very diſtinct. He reſts, in a great meaſure, upon the memoirs of James, and the reports of perſons whom he employed in the management of his affairs. But this prince, and his agents, were ſo credulous and ſanguine, as to over-rate and magnify every circumſtance in their own favour, and to become the dupes of every impoſtor. According to their accounts, it is a miracle that the government of King William could ſubſiſt for a moment, ſince both whigs and tories were equally zealous in overturning it, and were only vying with one another in the execution of that enterpriſe. It is the privilege of every unfortunate adventurer, to weary all his hearers with endleſs proofs that he has met with uncommonly bad uſage, and that his undertaking, in the natural courſe of things, ſhould have been ſucceſsful.

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conſpiracies were fortunately diſappointed and produced no other conſequence than to exhibit freſh inſtances of the courage and magnanimity ſo conſpicuous in the character of that prince, and to excite in the nation a grateful ſenſe of the dangers which he ſo cheerfully encountered for the preſervation of Engliſh liberty.

The extenſive enterpriſes in which the crown was involved immediately after the revolution; the ſettlement of Britain, the reduction of Ireland, the proſecution of the war with France; all theſe operations were productive of much greater expence than the nation expected, or than parliament could be perſuaded to defray. As miniſters, therefore, were unable, by the yearly produce of taxes, to anſwer the demands of government, they were forced to anticipate the ſupplies, by borrowing money from individuals. To thoſe creditors they granted ſecurities, both for the intereſt and capital, on branches of the public revenue, believed to be ſufficient, in a few years, to repay the loan, and ſo clear off the incumbrance. Such were the neceſſities of the crown, that the national debt, contracted in this manner, had

had riſen, before the peace of Ryſwick, to above twenty millions; a burden which, at that period, appeared ſo enormous, that it was thought to threaten the nation with immediate bankruptcy, and became a topic of much clamour, and of bitter invective againſt the government.

Some politicians, by an over-refinement, affected to conſider this national debt as an advantage to the crown, by creating in the monied intereſt a dependence upon government for the ſecurity of their funds. And hence it was inferred, that the procuring of ſuch effectual ſupport had been the great object of William in contracting thoſe burdens. But it is not likely that a king, any more than a private man, is ever induced to borrow, from the conſideration that his creditor may become his protector; eſpecially when he muſt expect that his creditor, as the price of his protection, will acquire over him the authority of a maſter and governor. The practice of contracting national debt aroſe from the ſame cauſes in Britain, and in all the other opulent nations of Europe; from the diſſipation and extravagance which are the uſual effects of wealth and luxury; from an increaſe of activity

and ambition, producing enterpriſes of greater extent than the ordinary revenues of the ſtate are capable of ſupporting; and, above all, from the facility of borrowing, occaſioned by that great circulation of capitals which is the natural conſequence of extenſive trade and manufactures.

When we contemplate, in every point of view, the important revolution accompliſhed by the prince of Orange, the hazardous nature of the undertaking, the prudence and vigour with which it was conducted, the ſolid advantages which have reſulted from it to Britain, and to all Europe, we muſt ever look up to our great deliverer with admiration and with gratitude. It may be queſtioned who, among ſtateſmen and heroes, have diſplayed the greateſt genius and abilities. It is yet more difficult, perhaps, to determine, who has been actuated by the moſt pure and genuine principles of patriotiſm; but who is the monarch that has conferred the moſt extenſive benefits upon mankind, will hardly be doubted, while the actions of William III. ſhall hold a place in the annals of the world. Had it not been for the active, the perſevering, and the

ſingle exertions of this prince, it is more than probable, that Britain would have been ſubjected both to an eccleſiaſtical and civil tyranny; that Lewis XIV. would have ſubdued Holland, and the eſtates in alliance with the Dutch; that the proteſtant intereſt would, in a ſhort time, have been annihilated; and that the greater part of Europe would either have been reduced to a vaſt, unwieldy deſpotiſm, like that of ancient Rome, or parceled out among a few abſolute ſovereigns, who, in the general ſtruggle for dominion, had been able to retain their independence. But the vigorous defence of the United Provinces, againſt the attacks of the French king, gave time for opening the eyes of many European princes. The revolution in England broke off at once the connection of the kingdom with France, and with the church of Rome; it not only ſecured her a free government at home, but united her under the ſame head with the other great maritime ſtate which had ariſen in Europe, and this powerful combination was followed by ſuch alliances, and by ſuch military operations as were ſufficient to reſtore the balance of power, and to fruſtrate

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thoſe ambitious deſigns that were ſo hoſtile to the peace and tranquillity of Europe. In fine, the revolution in England kept alive that ſpark which kindled the flame of liberty in other countries, and is now likely to glide inſenſibly over the whole habitable globe.

The character of William has been ſcrutinized and cenſured with a ſeverity and malignity, correſponding to the rage and diſappointment of that royal family, and of their numerous and zealous adherents, whoſe power and projects he overthrew. From the circumſtances however which his enemies have laid hold of, as a handle for detraction, we may diſcover the worſt lights in which his conduct was capable of being repreſented, and thus obtain the moſt ſatisfactory evidence of his real integrity and merit.

He obtained the crown of England by dethroning the perſon who was at the ſame time his uncle and his father-in-law. Thoſe who form their ideas from the habits acquired in the inferior walks of ſociety are apt to conceive that the domeſtic affections ſhould have the ſame influence in the government of kingdoms as in the ſcenes of private life; not conſidering that the ſitua-

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tion of princes renders them frequently ſtrangers to their own kindred, and that the cares of the public, in which they are neceſſarily involved, not only exclude them from thoſe friendſhips, and from that mutual intercourſe of good offices which take place among the reſt of mankind, but ſuggeſt the conſideration of peculiar duties which their ſtation has rendered of ſuperior obligation. How ſeldom are kings prevented from going to war with each other becauſe they happen to be relations? How abſurd would it be to ſuppoſe that the public intereſt ſhould yield to ſo inſignificant a motive?

But if ever an individual, in fulfilling his duty to the public, was called upon to overlook family connections, the prince of Orange was undoubtedly the man. Without dethroning his kinſman it was impoſſible to preſerve the Engliſh conſtitution, or even, perhaps, to attain another object which had long engroſſed his mind, the independence and ſecurity of his native country. Nor had he ever received ſuch treatment from James as laid claim to any peculiar gratitude or affection. In the behaviour of that

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monarch he experienced nothing but enmity, diſſimulation, and falſehood.

Had William lived in the age of Roman virtue, the ſacrifice of a domeſtic relation, in the cauſe of public liberty, would have been accounted highly meritorious; or if any part of his conduct had been thought blameable, it would have been the ſparing of the tyrant's life, by which the country was expoſed to future danger. But the manners of the age had introduced milder ſentiments of patriotiſm; and in ſurveying this great revolution, we cannot overlook one pleaſing circumſtance, that it was hardly ſtained with a drop of blood. Though the arbitrary and deſpotical meaſures of James had rendered him unworthy of the crown, and drawn upon him the indignation of the people, he was treated with uncommon lenity, and in the very critical period when the popular ferment was raiſed to the higheſt pitch, inſtead of ſuffering an exemplary puniſhment, he was merely deprived of that ſovereignty which he had ſhewn a fixed reſolution to abuſe. It appears, at the ſame time, that William was not deſtitute of regard to the family of this unfortunate

kinſman

kinſman. There is now ſufficient evidence that he was willing to pay the dowry which had been ſtipulated to James's queen; and that he even offered to promote the ſucceſſion of the ſon, the late prince of Wales, to the throne of England, if proper precautions were taken to ſecure his education in the proteſtant religion; a condition which the infatuated bigotry of the father prompted him to reject *.

It has been ſaid, that, in accompliſhing the revolution, William was actuated by his ambition, not by motives of public ſpirit. But ſuch an aſperſion, it is evident, may be thrown indiſcriminately upon every perſon who purſues a line of conduct in which his intereſt happens to coincide with his duty. It would be happy for the world if the ambition of great men was always directed to ſuch actions as tend to the good of ſociety; if the love of power was uniformly exerted in reſcuing the human race from ſlavery and oppreſſion. There can be little doubt, that the prince of Orange, in marrying the eldeſt daughter of James, who at that time had no ſons, conſidered the eventual ſucceſſion to the crown as an advantage which

* Dalrymple's Memoirs, vol. ii.

might

might reſult from the connexion. But that he was guilty of any improper ſtep to haſten or ſecure the acquiſition of this object, cannot with juſtice be aſſerted. In the violent political diſputes with clouded the reign of his two uncles, he appears to have given ſome countenance to the party in oppoſition to the court; but this party was compoſed of the friends of liberty and the proteſtant religion, which thoſe two princes, in conjunction with France, had formed a league to deſtroy. Upon the ſame account, he favoured the enterpriſe of the duke of Monmouth; though he knew that this nobleman aſpired to the throne, and muſt therefore have regarded him in the light of a rival.

A late author ſeems to believe that William artfully ſuggeſted to his father in law, thoſe very meaſures which he afterwards took hold of to ruin that unfortunate monarch. This is a curious hypotheſis, requiring no ordinary portion of credulity. One ſovereign counſels another to act the part of a tyrant, that this falſe friend and adviſer may have the benefit of depoſing him; and the ſimple king, falling into the ſnare, is perſuaded to forfeit his dominions by a per-

ſon

ſon in whom, on no other occaſion, he had ever placed any confidence.

To depreciate the military talents of this prince, it has been obſerved, that in moſt of his battles he was defeated. But we muſt remember that he had numberleſs difficulties to ſurmount, that originally, with a handful of troops, he was obliged to cope with the powerful and well-diſciplined armies of France, and with the able commanders who had been trained up in the moſt active and flouriſhing period of that monarchy; that, after he became king of England, he was continually diſturbed by the treachery and the factious diſputes of the leaders in parliament, and was neither ſupplied with money nor with men in proportion to the magnitude of his undertakings. When proper allowance is made for the circumſtances in which he was placed, inſtead of reflecting upon his bad ſucceſs, we cannot help wondering that he was able to maintain his ground; and we muſt admire the fertility of his reſources by which, like the great admiral Coligni, he roſe more formidable upon every defeat, and appeared to derive from it all the advantages of a victory.

His

His temper and diſpoſition have been repreſented as cold, haughty, and moroſe; rendering him diſagreeable in all the relations of private life; and proving an inſeperable bar to his popularity with the Engliſh nation. In reality, whether from natural conſtitution, or from his being conſtantly engaged in ſerious and important purſuits, he was grave and ſtately in his deportment, reſerved and diſtant in his ordinary demeanour. But that he was incapable of friendſhip or affection for thoſe who had obtained his good opinion and favour, there is no ground to ſuppoſe. Nor was the ſeverity of his aduſt complexion without intervals of gaiety and cheerfulneſs. According to the report of thoſe who knew him intimately, he was fond of relaxing from the cares of government, and of diſſipating the ſolitary gloom of a throne by the pleaſures of the table, and the free converſation of a few ſelect friends; in whoſe company, it is ſaid, he was neither deſtitute of good humour nor of a turn for pleaſantry. There can be no doubt, however, that he was more diſtinguiſhed by a ſolid underſtanding and uſeful talents than by ſlight and ſuperficial accompliſhments.

Plain

Plain and ſimple in his manners, he neither ſtudied to diſguiſe his feelings, nor to practiſe upon the humours and follies of others; but, though an enemy to diſſimulation and falſehood, yet, wherever ſecrecy was neceſſary, he was perfectly impenetrable. His ſucceſs in the cabinet was greater than in the field; becauſe he there depended more upon himſelf, and was in great meaſure his own agent in thoſe public negociations which he happily concluded. Through the whole of his life he ſeems to have adhered invariably to thoſe political principles which, in his early years, he had imbibed; and if he was ambitious, his ambition was entirely ſubordinate to his public views. To preſerve the independence of Holland, and to maintain the balance of Europe, were the great ends which he inceſſantly purſued, and to which the proſperity of Britain was, perhaps, regarded as a ſecondary object. It was, in all probability, the ſuſpicion of this, more than his unpopular and forbidding manners, that prevented his gaining the affections of the Engliſh. But in the mind of William, and in truth, the intereſt of the Dutch commonwealth, and that of the Britiſh dominions were inſeparable; and

both

both were equally promoted, not only by his military exertions before the peace of Ryſwick, but alſo, in the ſubſequent parts of his reign, by thoſe great alliances and preparations which had led the way to the ſplendid and ſucceſsful war of queen Anne, and tended ſo effectually to diminiſh the dangerous power of Lewis XIV.

In the adminiſtration of Britain, the conduct of this prince was no leſs uniform and conſiſtent with his principles. Though a friend to religious toleration, he ſupported the church of England as by law eſtabliſhed; and though he never diſputed thoſe limitations of the prerogative which were agreeable to the old conſtitution, as explained by the revolution-ſettlement, he was averſe from all political innovation, and tenacious of what he accounted the ancient rights of the crown.

With reſpect to the nature of the intereſting tranſaction which produced the acceſſion of William III. though all parties are now diſpoſed to ſpeak of it in the language of approbation, politicians of a certain deſcription have been much diſpoſed to magnify the changes introduced by it. They ſuppoſe that the ancient government of England

England was arbitrary and deſpotical, and that, from the period of the revolution-ſettlement, we are to date the firſt eſtabliſhment of our limited monarchy.

Were it not for the known influence of party prejudices and paſſions, it might ſeem ſurpriſing that any one acquainted with the hiſtory of the country, ſhould entertain ſuch an opinion, or ſhould expect, by any degree of dexterity or abilities to render it plauſible to ordinary readers. The great outlines of the Engliſh conſtitution may be traced back to very remote antiquity. To aſcend no higher than the age immediately ſucceeding the great charters, we find the ſettled form of a parliament, conſiſting of a king and two houſes; an excluſive power in that aſſembly to make laws, to impoſe taxes, and to regulate the order of ſucceſſion to the crown; an excluſive authority in the houſe of commons to bring in money bills, and in that of the peers to diſtribute juſtice in the laſt reſort. We find alſo the regular eſtabliſhment of the chief courts of juſtice which exiſt at preſent; the inſtitution of trials by jury, both in civil and criminal matters; and a ſpecific regulation to prevent the ſovereign from

from the arbitrary impriſonment of individuals. Theſe important branches of the conſtitution had received the ſanction of ancient uſuage, confirmed by a variety of ſtatutes and public declarations; they had, it is true, been frequently violated by the ſovereign, who endeavoured to elude their force by various expedients and evaſive practices; but whenever thoſe violations had been ſo often repeated as to attract the attention of the public, they became the ſubject of national complaint, and were reſtrained or puniſhed by new interpoſitions of the legiſlature. As new inſtruments were employed to attack the conſtitution, a new ſhield became neceſſary, and was held out in its defence.

The interpoſition of greateſt importance at the revolution, conſiſted in depoſing the ſovereign for his crimes, and in ſetting aſide the lineal heir from conſiderations of expediency. Though ſuch interpoſitions of the two houſes of parliament were not without example in the Engliſh hiſtory, they had not occurred in a civilized age; for the trial and execution of Charles I. had been affected without the free determination of the one houſe, and without any concurrence

of

of the other. The conſequence of this depoſition was to place the new king in circumſtances which prevented him ever after from calling in queſtion thoſe powers of parliament which he had ſolemnly recognized. Having received the crown by a parliamentary title, he had no pretence to claim it by hereditary right, or to refuſe the performance of thoſe conditions under which it was beſtowed upon him. Inſtead of the vicegerent of heaven, aſſuming an authority independent of any human controul, he was reduced to be the chief magiſtrate of a free people, appointed by the community, and poſſeſſed of thoſe powers only with which, for the common good, he had been expreſsly intruſted. The forfeiture, at the ſame time, which had been incurred by the late king, whatever ſoftening appellation was given to it, proved a formidable precedent to all future ſovereigns, proclaiming that they were amenable to public juſtice, and could not expect, with impunity, to trample upon the laws of their country.

END OF VOL. III.

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